

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. JC-14-0002  
HONORABLE ANNE F. SEGAL, )  
Consolidated Justice Court, ) Commission on Judicial  
Pima County, ) Conduct  
State of Arizona, ) No. 14-219  
 )  
Respondent. )  
 ) **FILED 12/11/2014**  
 )  
\_\_\_\_\_ )

**O R D E R**

This matter having come before the Commission on Judicial Conduct, it having duly rendered and filed its Recommendation, and all applicable rights to object to or petition for modification of the Recommendation having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure of the Commission on Judicial Conduct,

**IT IS ORDERED** that Judge Anne F. Segal is hereby censured for violations of the Code of Judicial Conduct as set forth in the Amended Stipulated Resolution, which is attached hereto.

DATED this 11<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
Janet Johnson  
Clerk of the Court

TO:

J William Brammer Jr.

Meredith L Vivona

Hon. George A Riemer

Kimberly Welch

Sandra Montoya

Maret Vessella

Mary Pieper

Lexis Nexis

Netz Tuvera

Hon. Sarah R Simmons

bp

**FILED**  
**DEC 04 2014**  
JANET JOHNSON  
CLERK SUPREME COURT  
BY:

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

**RECEIVED**

DEC - 4 2014

CLERK SUPREME COURT

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge )  
)  
**Anne F. Segal** )  
Consolidated Justice Court )  
Pima County )  
State of Arizona )  
)  
Respondent, )

Case No. 14-219

**TRANSMITTAL OF THE RECORD  
TO THE SUPREME COURT**

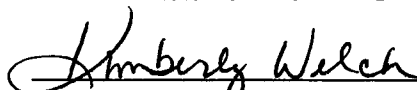
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The following documents are hereby filed with the Arizona Supreme Court:

1. Notice of Filing with the Supreme Court
2. Statement of Charges
3. Notice of Institution of Formal Proceedings
4. Stipulated Resolution
5. Acceptance of Stipulated Resolution and Proposed Order
6. Recommendation

SUBMITTED this 4<sup>th</sup> day of December, 2014.

**COMMISSION ON JUDICIAL CONDUCT**



Kimberly Welch  
Commission Specialist

**RECEIVED**

DEC - 4 2014

**CLERK SUPREME COURT**

<b>FILED</b>
DEC 04 2014
JANET JOHNSON CLERK SUPREME COURT
BY: <u>JS</u>

5

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  
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**STATE OF ARIZONA**  
**COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning  
**Judge Anne F. Segal**  
 Consolidated Justice Court  
 Pima County  
 State of Arizona

Case No.: 14-219

**STIPULATED RESOLUTION**

**[Amended as to Paragraph 16(a) on  
 November 21, 2014 by Agreement of  
 the Parties]**

Respondent,

---

COME NOW Judge Anne Segal, Respondent, and Meredith Vivona, Acting Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of the above captioned case pursuant to Rule 30 of the Commission Rules.

**JURISDICTION**

1. The Commission has jurisdiction of this matter pursuant to Article 6.1, §4, of the Arizona Constitution and the Rules of the Commission.
2. Respondent has served as a justice of the peace in Pima County since 2008 and continues to hold that position. She was serving in her capacity as a judge at all times relevant to these allegations.
3. As a judge, Respondent is and has been subject to the 2009 Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

## **PROCEDURAL BACKGROUND**

4. On October 7, 2014, Acting Disciplinary Counsel filed a Statement of Charges against Respondent after an investigative panel found reasonable cause to begin formal proceedings. The Statement of Charges is incorporated herein by this reference. In lieu of submitting an Answer to the Charges, Respondent agrees to this stipulated resolution of the matter.

## **STIPULATED FACTS**

5. Respondent, currently a justice of the peace for precinct one, Pima County, Arizona, sought reelection to her position. She ran against Adam Watters in the 2014 Pima County primary election, which was held on August 26, 2014. Respondent lost the election and will leave the bench as of December 31, 2014.

6. As part of her re-election efforts, Respondent was responsible for the Committee to Re-Elect Judge Anne Segal. She was the committee's chairman and her husband was its treasurer.

7. In the months leading up to the August 26, 2014, primary election, Respondent and the Committee to Re-Elect Judge Anne Segal, (the "Committee") ran numerous advertisements, posted numerous signs, sent numerous mailers, maintained a blog, and maintained at least two webpages as part of Respondent's re-election efforts.

8. Respondent's and the Committee's webpages included: ThinkLegalVoteSegal.com and SoreLoserBully.com.

9. Respondent's blog was located at judgeannesegal.blogspot.com.

10. During the course of her campaign, Respondent made statements about the Commission's findings in Case No. 2009-041 in mailers, on her webpages, on her blog and in the Arizona Daily Star newspaper. In Case No. 2009-041 Respondent received a public reprimand for her conduct related to her son's traffic citation. Respondent's statements include the following:

- a. **No Pima Judge fixed a ticket! No Pima Judge was caught fixing a ticket. Don't be deceived by smear signs. If Judge Segal was 'caught fixing a ticket,' she would have been removed from office. Six years ago Judge Anne Segal. . .learned her teenage son received a speeding ticket and was eligible to attend traffic school. Judge Segal asked the court administrator to transfer his citation from the court where she worked to the Tucson City Court. Judge Segal made another inquiry about it. The ticket was then transferred; her son paid the fees and attended traffic school. Judge Segal received a reprimand for interfering with a family member's case while a judge. . . .**
- b. **"THE SIGNS [of Respondent's opponent that accused her of fixing a ticket] ARE ABSOLUTE LIES."**
- c. **"Our judicial system and country relies on evidence. Evidence establishes the truth of the event. There is absolutely no evidence that a judge or Judge Anne Segal was caught committing the offense of fixing (removing, dismissing) a traffic ticket. The signs consist of accusations that have absolutely no evidentiary value of factual truth. If this statement is true, where is the evidence? What facts support this declaration? What facts support the conduct? There are none. Zero."**
- d. **"THE SIGNS ARE LIES. THEY ARE DEFAMATORY. THEY INTENTIONALLY MISLEAD THE READERS. The Committee publishes these signs with a reckless disregard for the truth. The signs publically place Judge Anne Segal in a false light in the public eye. They are malicious."**
- e. **"I asked about it again, and also requested that his license be reinstated so the ticket could be transferred to the Tucson City Court. This was viewed as an ethical violation because I asked about my son's speeding ticket two separate times. . . .I didn't know it was improper until the presiding judge, Lilly Felix (also known as Maria Aguilra) reported me to the Commission on Judicial Ethics."**
- f. **"Unlike the people who appear in court, I was never able to have a contested hearing. I was never able to present sworn testimony or cross-examine any of those who made accusations against me."**
- g. **"Six years ago, on my second day as a judge, I learned that my son had received a speeding ticket. Because of a potential conflict of interest . . . I asked the court administrator to transfer the ticket to Tucson City Court. When I learned later that this**

had not been done, I asked the administrator again to transfer it. That was my mistake . . . a mistake that resulted in a reprimand.”

- h. “When the case was transferred, my son paid the fee and went to traffic school. But my conduct was judged ‘unacceptable’ by the Arizona Commission on Judicial Conduct because I continued to ask about the case.”
- i. “If they [the Commission] had thought I tried to ‘fix’ a ticket, they would have removed me from office. In fact, their disposition clearly states, ‘This order may not be used as a basis for disqualification of a judge.’”

11. Further, as part of her reelection effort, Respondent’s webpage SoreLoserBully.Com contained statements about her opponent, Adam Watters. It also contained the statement, “Learn more about Adam Watters at Support Adam Watters Facebook,” with an associated link. The statement appeared to be an invitation to learn more about Respondent’s election opponent, Adam Watters. But, the associated link directed people not to opponent Adam Watters, but rather to the “Support Adam Watters” Facebook page of an English Braveheart “re-enactor.” Respondent permitted this intentional misdirection of viewers to the wrong Adam Watters’ Facebook page to “add a touch of humor to this political campaign.”

12. On July 30, 2014 and August 18, 2014, Respondent was interviewed by television station KVOA, News 4 Tucson. Portions of the interviews aired publicly on August 18, 2014 and August 19, 2014.

13. During the interviews, Respondent knowingly or recklessly made the following statements:

- a. “I’m not being investigated [by the Arizona Attorney General’s Office].”
- b. “I know of no investigation.”
- c. “I have no idea why he [Doug Kooi, Court Administrator] would tell you that.”
- d. “I guess I have to say that he [Mr. Kooi] didn’t tell you the truth because I’m not being investigated.”

14. Contrary to her statements above, Respondent knew at the time she made the statements that she had been contacted by the Arizona Attorney General's Office; that the Arizona Attorney General's Office was beginning an inquiry for which they had scheduled an interview with Respondent; and Respondent knew that she reported this development to Court Administrator Doug Kooi; she later acknowledged that she told Mr. Kooi she had received a "phone call" from the Arizona Attorney General's Office.

#### **AGREEMENT**

15. Respondent agrees that her conduct, as stipulated and described above, constitutes ethical misconduct in violation of Rules 1.2, 4.2(A)(1), 4.2(A)(3), 4.3(A), 4.3(F) and 4.3(I) of the Code of Judicial Conduct. It further constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute, a violation of Article 6.1, Section 4, of the Arizona Constitution.

#### **MITIGATING AND AGGRAVATING FACTORS**

16. The parties stipulate to the following mitigating (m) and aggravating (a) factors pursuant to Commission Rule 19:

a. Prior public discipline: Respondent has been subject to previous discipline, including five public reprimands issued in the following cases: (1) Case No. 2009-041; (2) Case No. 2009-234; (3) Case No. 2012-128; (4) Case No. 2012-308; and (5) Case No. 2014-206. In particular, Respondent has been disciplined for previous violations of Rule 1.2 and Rule 4.3(A). (a)

b. The misconduct occurred in Respondent's official capacity. (a)

c. Respondent has been serving as a justice of the peace in Pima County since 2008 and should have known her conduct as described above constituted ethical misconduct. (a)

d. Respondent fully cooperated with the commission in these proceedings. (m)



e. By signing this Stipulated Resolution for censure, Respondent has recognized and acknowledged the wrongful nature of the charged conduct. (m)

#### **AGREED UPON SANCTION**

17. The parties agree that Respondent's misconduct in the underlying case as set forth in paragraphs 1-14 warrants a formal sanction. Because Respondent previously received four public reprimands, the parties agree that the appropriate sanction for this matter is a public censure.

#### **OTHER TERMS AND CONDITIONS**

18. Respondent waives her right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

19. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission's Rules. If the hearing panel does not accept this agreement as a full resolution, then Respondent's admissions are withdrawn, Respondent may file a response, and the matter will be set for hearing without use of this agreement.

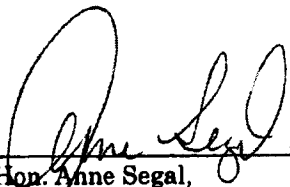
20. This Stipulated Resolution resolves only the following matters: (1) complaint against Respondent dated July 11, 2014, filed by "anonymous;" (2) complaints against Respondent dated July 10, 2014 and July 21, 2014 filed by Andrea Watters; (3) complaint against Respondent dated July 14, 2014 filed by Adam Watters; (4) complaint against Respondent dated July 29, 2014, filed by "anonymous."

21. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.


22. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

23. Both parties will pay their own costs and attorneys' fees associated with this case.
24. Respondent clearly understand the terms and conditions of this agreement, has reviewed it with her attorney and fully agrees with the terms and conditions of this agreement.
25. This agreement constitutes the complete understanding between the parties.

SUBMITTED this \_\_\_th day of October, 2014.

  
\_\_\_\_\_  
Hon. Anne Segal,  
Respondent

Oct. 23, 2014  
Date Signed

  
\_\_\_\_\_  
Meredith Vivona  
Acting Disciplinary Counsel

10/22/2014  
Date Signed

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CLERK SUPREME COURT

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

FILED  
DEC 04 2014  
JANET JOHNSON  
CLERK SUPREME COURT

FILED  
OCT 07 2014

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge	)	
	)	Case No. 14-219
<b>Anne F. Segal</b>	)	
Consolidated Justice Court	)	<b>NOTICE OF INSTITUTION OF</b>
Pima County	)	<b>FORMAL PROCEEDINGS</b>
State of Arizona	)	
	)	
Respondent,	)	

**To Judge Anne F. Segal:**

You are hereby notified that the Commission on Judicial Conduct has instituted formal proceedings against you in accordance with Rule 24 of the Rules of the Commission on Judicial Conduct ("Rules") to inquire into the charges specified in the attached Statement of Charges. You are also notified that a hearing will be held before the Commission to determine whether or not these charges constitute grounds for your censure, suspension, removal from office as a judge, or other appropriate discipline as provided in Article 6.1, § 4, of the Arizona Constitution.

You are further notified that:

1. Meredith Vivona, Attorney at Law, will act as disciplinary counsel for the Commission in this matter, to gather and present evidence before the Commission on the charges.

2. You have the right, pursuant to Rule 25(a), to file a written response to the charges made against you within 15 days after personal service of this notice upon you or within 20 days of the date this notice is mailed. An original signed copy of the response must be filed in the Commission's office by 5:00 p.m. on the required date.

3. Upon receipt of your response, or upon expiration of the time in which a response may be filed, the Commission will open and maintain a public file containing the Notice of Institution of Formal Proceedings, the Statement of Charges, and all subsequent pleadings filed with the Commission. This file and the formal hearing in this case shall be open to the public in accordance with Rule 9(a).

4. You have the right to be represented by counsel, to examine and cross-examine witnesses and to require the issuance of subpoenas for the attendance of witnesses or for the production of any evidentiary matters necessary for your defense.

5. During the pendency of these proceedings, you or the Commission may refer to or use prior cases, if any, pertaining to previous complaints or discipline for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration.

**Dated this 7<sup>th</sup> day of October, 2014.**

**COMMISSION ON JUDICIAL CONDUCT**

/s/ George A. Riemer

George A. Riemer  
Executive Director

Copies of this pleading sent via email  
This 7<sup>th</sup> day of October 2014 to:  
Respondent Judge Anne Segal  
via email to her counsel:

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Brammer@rllaz.com

Meredith Vivona  
Acting Disciplinary Counsel  
Commission on Judicial Conduct

By: **Kimberly Welch**

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DEC - 4 2014

CLERK SUPREME COURT

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**FILED**  
DEC 04 2014  
JANET JOHNSON  
CLERK SUPREME COURT  
BY:

**FILED**

OCT 07 2014

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning	)	
	)	
<b>Judge Anne F. Segal</b>	)	Case No. 14-219
Consolidated Justice Court	)	
Pima County	)	
State of Arizona	)	<b>STATEMENT OF CHARGES</b>
	)	
Respondent	)	

An investigative panel of the Commission on Judicial Conduct (Commission) determined that there is reasonable cause to commence formal proceedings against Judge Anne Segal (Respondent) for misconduct in office. This statement of charges sets forth the Commission's jurisdiction and specifies the nature of the alleged misconduct.

**JURISDICTION**

1. The Commission 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 Rule 24(a) of those rules (Commission Rules).

3. Respondent has served as a justice of the peace in Pima County since 2008 and continues to hold that position. Prior to that, Respondent served as a judge pro-tem in 2005 in Pima County. She was serving in her capacity as a judge at all times relevant to these allegations.

4. As a judge, Respondent is subject to the 2009 Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

#### **PRIOR DISCIPLINE**

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the judge pursuant to Commission Rule 22(e).

6. Consistent with the requirements of Commission Rule 22(e), undersigned Disciplinary Counsel (Counsel) notified Respondent on September 26, 2014 that her prior disciplinary history, as set forth below, may be so used.

#### **Case No. 2005-150, Private Admonition**

7. The complainant alleged that Respondent was late, rude, incompetent, and unfamiliar with the law. Respondent admitted the allegations and apologized.

8. The Commission found Respondent violated Canons 1A, 2A and 3B(2) of the 1993 Code.

9. In reaching its decision, the Commission noted "Normally such violation of the canons would result in a reprimand, but based on the judge's cooperation and the steps being taken at the court to educate her on Arizona law, the discipline was mitigated to an admonition."

**Case No. 2009-041, Public Reprimand**

10. The complainant alleged that “On January 27, 2009 Judge Segal approached one of our Traffic Hearing Officers and asked him to ‘fix’ this problem, lift her son’s suspension and vacate the default as she felt her son would now be able to go to Defensive Driving School by mid-February 2009. Judge Segal asked that person not to tell our Court Administrator about this.”

11. The complainant also alleged “That same day, Judge Segal went to the staff lunchroom and was talking about challenging the constitutionality of certain traffic citations and how she had to talk to the civil traffic supervisor about ‘fixing’ her son’s ticket. Several Staff members were present and heard Judge Segal’s comments. This was also reported to our Court Administrator and both employees were asked and complete[d] a written report on the incident witnessed.”

12. The complainant further alleged “On February 3, 2009, Judge Segal again actively participated in her son’s case. . . . By so doing, Judge Segal invoked procedures of the court which effectively requested orders on her son’s behalf. This occurred despite the fact that I had explicitly mentioned the applicable Canons of Judicial Conduct and ethics with Judge Segal before this event and had expressly told her that she was not to manage her son’s case in Justice Court, which was his own responsibility.”

13. Respondent through counsel disputed the above allegations. In fact, Respondent filed two separate initial responses through two different attorneys: John Tully provided a ten-page response letter on April 22, 2009, and Mark Harrison provided a supplemental six-page response letter on Oct. 7, 2009.

14. After conducting its investigation, and reviewing both response letters, the Commission found Respondent violated Rule 1.3 of the 2009 Code and publicly reprimanded her for the violation.



15. The Commission found that “acting in her judicial capacity, Judge Segal also approached a hearing officer and directed him to take action in her family member’s case. Concerned that Judge Segal’s continued involvement in the case could be perceived as an attempt to influence its outcome, the presiding judge instructed Judge Segal to cease any further involvement. Judge Segal disregarded this instruction and continued to inject herself in the case. This conduct is unacceptable.”

16. Respondent contested the public reprimand, initially through counsel Mark Harrison and the filing of a motion to reconsider with a request to appear. The commission considered her motion, granted it in part to amend the reprimand order, but denied the request to withdraw the sanction. The commission denied Respondent’s request to appear.

17. The commission rules clearly provide that a judge may either request reconsideration or request a formal hearing. Respondent, in contravention of the rules, attempted to do both by filing a request for a formal hearing after the denial of reconsideration. The commission denied the hearing request.

**Case No. 2009-234, Public Reprimand**

18. The complainant alleged Respondent used a fake name to attack him in an online forum.

19. The Commission found Respondent violated Canon 5(B)(1)(d)(ii) of the 1993 Code and Rule 4.3(A) of the 2009 Code and publicly reprimanded her for the violations.

**Case No. 2011-007, Private Advisory Letter**

20. The complainant alleged that Respondent intentionally disregarded the law.

21. The Commission issued an advisory letter regarding Respondent’s clear legal error.

**Case No. 2012-128, Public Reprimand**

22. Respondent self-reported that she represented herself and her husband in a civil lawsuit.

23. The Commission found that Respondent violated Rule 3.10 of the Code, which prohibits a full-time judge from practicing law. The Commission publicly reprimanded Respondent for the violation.

**Case No. 2012-308, Public Reprimand**

24. The complainant alleged Respondent prejudged his case, was biased, and improperly refused plea bargains offered by the state.

25. The Commission found Respondent violated Rules 1.1, 1.2, 2.2, 2.6(A), 2.9(A)(3) and 2.11. It publicly reprimanded her for the violations.

26. The reprimand specifically noted that, “The commission was particularly concerned that Judge Segal’s response, which indicates that she also reviewed the recordings of the hearings, failed to recognize or acknowledge any of the above noted issues.”

**FACTUAL BACKGROUND**

27. Respondent, currently a justice of the peace for precinct one, Pima County, Arizona, sought reelection to her position. She ran against Adam Watters in the 2014 Arizona primary election, which was held on August 26, 2014.

28. As part of her re-election efforts, Respondent was responsible for the Committee to Re-Elect Judge Anne Segal. She was the committee’s chairman and her husband, Robert Segal, was its treasurer.

29. In the months leading up to the August 26, 2014, primary election, Respondent and the Committee to Re-Elect Judge Anne Segal, (the “Committee”) ran numerous advertisements, posted numerous signs, sent numerous mailers, and maintained at least two webpages as part of Respondent’s re-election efforts.

30. Respondent’s and the Committee’s webpages included: [ThinkLegalVoteSegal.com](http://ThinkLegalVoteSegal.com) and [SoreLoserBully.com](http://SoreLoserBully.com).

**Facts Regarding Respondent's  
Misrepresentation of her Public Reprimand in Case No. 2009-041**

**Representations in a Mailer**

31. On or about June 20, 2014, Respondent and/or her Committee caused a mailer to be sent to voters in her district. See Exhibit 1. The mailer stated:

No Pima Judge fixed a ticket! No Pima Judge was caught fixing a ticket. Don't be deceived by smear signs. If Judge Segal was 'caught fixing a ticket,' she would have been removed from office. Six years ago Judge Anne Segal. . .learned her teenage son received a speeding ticket and was eligible to attend traffic school. Judge Segal asked the court administrator to transfer his citation from the court where she worked to the Tucson City Court. Judge Segal made another inquiry about it. The ticket was then transferred; her son paid the fees and attended traffic school. Judge Segal received a reprimand for interfering with a family member's case while a judge. . . .

**Representations on her Webpage**

32. At various times throughout the primary campaign season, Respondent and/or her Committee posted information on Respondent's website, SoreLoserBully.com, addressing her opponent's statements about her reprimand in Case No. 2009-041.<sup>1</sup> Respondent wrote or authorized others to write:

- a. "THE SIGNS ARE ABSOLUTE LIES." (Capitalization in original).

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1. Opponent Adam Watters and/or the Committee for Judicial Integrity posted road signs stating: "VOTERS BEWARE! JUDGE CAUGHT FIXING TICKET" and "BADPIMAJUDGE.COM SEGAL CAUGHT FIXING TICKET."

- b. "Our judicial system and country relies on evidence. Evidence establishes the truth of the event. There is absolutely no evidence that a judge or Judge Anne Segal was caught committing the offense of fixing (removing, dismissing) a traffic ticket. The signs consist of accusations that have absolutely no evidentiary value of factual truth. If this statement is true, where is the evidence? What facts support this declaration? What facts support the conduct? There are none. Zero."
- c. "STOP THE SMEAR. Defeat the loser." See Exhibit (2).
- d. "THE SIGNS ARE LIES. THEY ARE DEFAMATORY. THEY INTENTIONALLY MISLEAD THE READERS. The Committee publishes these signs with a reckless disregard for the truth. The signs publically place Judge Anne Segal in a false light in the public eye. They are malicious." (Capitalization in original).
- e. "The only thing that Judge Anne Segal did was defeat her opponent in a general election six years ago." See Exhibit (3).

#### **Representations on her Blog**

33. In October 2011 Respondent explained her reprimand in Case No. 2009-041 on her blog, [judgeannesegal.blogspot.com](http://judgeannesegal.blogspot.com). See Exhibit (4). In her self-described "exclusive interview," Respondent "clears up the misconceptions." She states in part,

- a. "I asked about it again, and also requested that his license be reinstated so the ticket could be transferred to the Tucson City Court. This was viewed as an ethical violation because I asked about my son's speeding ticket two separate times. . . .I didn't know it was improper until the presiding judge, Lilly Felix (also known as Maria Aguilra) reported me to the Commission on Judicial Ethics."
- b. "[A]pparently an employee – I have no idea who - said that I just walked into the court employee's lunchroom . . .and just announced to a group of strangers that I had "fixed' my son's ticket."

- c. "The Commission reprimanded me for asking about my son's ticket and asking about the suspension of his license. Apparently, I either should have hired an attorney to make the request, or had my son handle the case himself."
- d. "Unlike the people who appear in court, I was never able to have a contested hearing. I was never able to present sworn testimony or cross-examine any of those who made accusations against me."

#### **Representations in the Newspaper**

34. On Sunday, July 27, 2014, Respondent and/or her Committee ran a full page advertisement in the Arizona Daily Star wherein Respondent made statements about the Commission on Judicial Conduct's public reprimand of her in Case No. 2009-041. See Exhibit (5).

35. The advertisement stated:

- a. "Six years ago, on my second day as a judge, I learned that my son had received a speeding ticket. Because of a potential conflict of interest . . . I asked the court administrator to transfer the ticket to Tucson City Court. When I learned later that this had not been done, I asked the administrator again to transfer it. That was my mistake . . . a mistake that resulted in a reprimand."
- b. "When the case was transferred, my son paid the fee and went to traffic school. But my conduct was judged 'unacceptable' by the Arizona Commission on Judicial Conduct because I continued to ask about the case."
- c. "If they had thought I tried to 'fix' a ticket, they would have removed me from office. In fact, their disposition clearly states, 'This order may not be used as a basis for disqualification of a judge.'"

36. Respondent's various representations regarding Case No. 09-041 improperly misrepresented the Commission's findings as set forth in the Amended Order as well as the due process afforded Respondent by the Commission.

**Facts Regarding Respondent's Improper Website**

37. Respondent and/or her Committee created webpage SoreLoserBully.Com in early July 2014 as part of her reelection efforts. **See Exhibit (6).**

38. The webpage's home page, "About Us" page and "Location" page show a picture of one-half of a man's face. The face has red, green and blue face paint. To the left of the picture, the webpage states "Adam Watters is a sore loser." Below that, the webpage on its home page, "About Us" page and "Location" page provides, "Learn more about Adam Watters at Support Adam Watters Facebook."

39. The "Support Adam Watters" Facebook page, however, is the page of an Adam Watters different and separate from Respondent's opponent, Adam Watters.

40. Respondent's SoreLoserBully.com webpage knowingly or recklessly misdirected voters to the wrong Adam Watters' webpage.

41. The Adam Watters in the "Support Adam Watters" Facebook page appears to be an English Braveheart "re-enactor." He appears in face paint, medieval dress and brandishing a weapon.

42. On July 17, 2014, election opponent Adam Watters's counsel sent correspondence to Respondent "constitute[ing] our demand that you immediately take down that website (SoreLoserBully.com) or delete all reference to our clients within the next 24 hours,"

43. Upon information and belief, at some point after receiving the letter from Mr. Watters' counsel, Respondent caused the SoreLoser webpage to be made inactive and unavailable to the public.

44. Respondent publicly responded to the July 17, 2014 letter on her campaign's webpage, ThinkLegalVoteSegal.com, admitting that SoreLoserBully.com:

- a. **“DID REFER TO ‘SUPPORT ADAM WATTERS.’ THE REFERENCE DIRECTED THE READER TO A GENTLEMAN WEARING INTERESTING BLUE FACEPAINT IN FACEBOOK THIS IS NOT ADAM WATERS, BUT A VERY FUNNY NAMESAKE. THIS WAS A LIGHT-HEARTED ATTEMPT TO ADD A TOUCH OF HUMOR TO THIS POLITICAL CAMPAIGN.”** (Emphasis and capitalization in original). **See Exhibit (7).**
- b. She also responded that SoreLoserBully.com: **“DID REFER TO ‘SUPPORT ADAM WATTERS.’ THE REFERENCE COULD DIRECT THE READER TO A FACEBOOK (c) PAGE WITH A GENTLEMAN WHO IS VERY INTERESTING IN BLUE FACEPAINT. THIS MAY NOT [BE] THE ADAM WATTERS FROM THIS CAMPAIGN, BUT A VERY FUNNY NAMESAKE. THIS WAS A LIGHT-HEARTED EFFORT TO ADD A TOUCH OF HUMOR TO THIS POLITICAL CAMPAIGN.”** (Emphasis and capitalization in original). **See Exhibit (7).**

**Facts Regarding Judge Segal’s Interviews with KVOA News 4 Tucson**

45. On August 18, 2014, and August 19, 2014, Respondent was interviewed by television station KVOA, News 4 Tucson. The following exchanges took place:
- a. KVOA representative: "I was told by the administrator of the courts that you told him you're being investigated." Judge Segal: "And I'm telling you I'm not being investigated." "You're making up news that isn't there, I don't know what you're saying. I don't know what you're talking about." (August 18, 2014).
  - b. Judge Segal: "I know of no investigation, and I am not being investigated. I am not being investigated by the Attorney General's office. My opponent cannot afford TV, so this is a good way to get adverse publicity." (August 18, 2014).

- c. KVOA representative: "But Doug Kooi, who told me this, is the court administrator, he's not your opponent. Why would he tell me this?" Judge Segal: "I have no idea why he would tell you that." (August 18, 2014).
- d. KVOA representative: "You told me [Inv. Schwartz] yesterday on the phone you did receive a phone call from an investigator in the Attorney General's office. You said that on the phone to me." Judge Segal: "I don't know who the gentleman...I don't know...no. I don't know anything you're talking about." (August 19, 2014).
- e. KVOA representative: "Yesterday you did tell me, Judge, that it was an investigator..." Judge Segal: "I don't know what you're talking about." (August 19, 2014).
- f. Judge Segal: "Well, I received a phone call that said there was an anonymous inquiry about anonymous papers. I have no idea what it's about." (August 19, 2014).
- g. KVOA representative: "So how do you know this is regarding the bad check program? Judge Segal: "I don't."
- h. KVOA representative: "You told me that, you told me on the phone that this was about the bad check program and you weren't certain if this was a positive thing about the bad check program or a negative thing." Judge Segal: "Well if I recall that's what I thought Mr. Schwartz had told me, that it was about the bad check program." KVOA representative: "So you didn't ask them what this inquiry was about?" Judge Segal: "No." KVOA representative: "What kinds of questions they needed the answers to?" Judge Segal: "No, we set a meeting up in September. It's back burner, it's not of interest." (August 19, 2014).



- i. KVOA representative: "You've said that Mr. Schwartz was aggressive, yelling, interfered with your meeting, and broke it up and made children cry in the library. Do you stand by those comments?" Judge Segal: " I probably overstated it. He caught me unprepared." (August 19, 2014).
- j. KVOA representative: "So you're saying that Doug Kooi did not tell us the truth in that email?" Judge Segal, "I guess I have to say that he didn't tell you the truth because I'm not being investigated." KVOA representative: "You haven't talked to Mr. Kooi at all about his statement to us?" Judge Segal: "No, no I really I haven't. No, I take that back. No, I take that back. I talked to Mr. Kooi. I spoke to Doug Kooi. I told him I got a phone call. That's what he knows. That's what I know." (August 19, 2014).

46. Respondent knew prior to August 18, 2014, that she had been contacted by the Arizona Attorney General's Office; knew they were conducting an investigation; and knew that she reported this development to Court Administrator Doug Kooi.

47. Respondent knowingly or recklessly made false and misleading statements to representatives of KVOA News 4 Tucson on August 18, 2014 and August 19, 2014 regarding the communication she received from the Arizona Attorney General's Office; her knowledge of an investigation; and the fact that she reported this to Court Administrator Doug Kooi.

48. Respondent knowingly or recklessly falsely accused Court Administrator Doug Kooi of lying.

49. Respondent knowingly or recklessly misrepresented her previous communication with KVOA Investigative Reporter Schwartz when he confronted her on camera about past statements she made to him on the telephone. Respondent knowingly or recklessly made a false report to KVOA that Mr. Schwartz was "aggressive, yelling, interfered . . . and made children cry in the library."

## **VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT**

50. Respondent's conduct, as described above in Paragraphs 27-36 violated the following provisions of the Code and Arizona Constitution. Specifically:

- a. Rule 1.2, which requires a judge to "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary";
- a. Rule 4.2(A)(1) which requires a judicial candidate to "act at all times in a manner consistent with the independence, integrity and impartiality of the judiciary";
- b. Rule 4.2(A)(3) which requires a judicial candidate to "review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee. . . before their dissemination";
- c. Rule. 4.3(A), which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard "post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person";
- d. Rule 4.3(F) which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard, "misrepresent the identity, qualification, present position or any other fact about the judicial candidate or an opponent"; and
- e. 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.

51. Respondent's conduct, as described above in Paragraphs 27-30 and 37-44 violated the following provisions of the Code and Arizona Constitution. Specifically:

- a. Rule 1.2, which requires a judge to “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary”;
- b. Rule 4.2(A)(1) which requires a judicial candidate “act at all times in a manner consistent with the independence, integrity and impartiality of the judiciary”;
- c. Rule 4.2(A)(3) which requires a judicial candidate to “review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee. . . before their dissemination”;
- d. Rule. 4.3(A), which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard “post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person”;
- e. Rule 4.3(F) which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard, “misrepresent the identity, qualifications, present position or any other fact about the judicial candidate or an opponent”;
- f. Rule 4.3(I) which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard “make a false or misleading statement about an opponent’s personal background or history”; and
- g. 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.

52. Respondent’s conduct, as described above in Paragraphs 27-30 and 45-49 violated the following provisions of the Code and Arizona Constitution. Specifically:

- a. Rule 1.2, which requires a judge to “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary”;
- b. Rule. 4.3(A), which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard “post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person”;
- c. Rule 4.3(F) which mandates that during the course of a campaign, judges shall not knowingly or with reckless disregard, “misrepresent the identity, qualification, present position or any other fact about the judicial candidate or an opponent”; and
- d. 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.

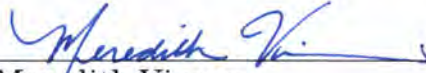
**REQUESTED RELIEF**

WHEREFORE, Disciplinary Counsel hereby requests that the members of the Hearing Panel recommend to the Supreme Court that Respondent be censured, suspended, or removed from judicial office; that costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the court grant such other relief as it deems appropriate.

...  
...  
...

Dated this 7<sup>th</sup> day of October, 2014.

COMMISSION ON JUDICIAL CONDUCT



---

Meredith Vivona  
Acting Disciplinary Counsel

Copies of this pleading served  
This 7<sup>th</sup> day of October 2014 on  
Respondent Judge Anne Segal  
via email to her counsel:

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Brammer@rllaz.com

By: **Kimberly Welch**

**RECEIVED**

DEC - 4 2014

CLERK SUPREME COURT

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

**FILED**  
DEC 04 2014  
JANET JOHNSON  
CLERK SUPREME COURT  
BY:

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	Case No. 14-219
<b>Anne F. Segal</b>	)	
Consolidated Justice Court	)	<b>ACCEPTANCE OF STIPULATED</b>
Pima County	)	<b>RESOLUTION</b>
State of Arizona	)	
	)	
Respondent,	)	

---

The duly constituted hearing panel of the Commission on Judicial Conduct in the above-entitled case hereby accepts the Stipulated Resolution signed by the Respondent for the following reasons: the issues set forth in the Statement of Charges have been adequately resolved and the Respondent's tenure as a justice of the peace ends on December 31, 2014; the parties agree that the Respondent's conduct in the underlying case warrants a formal sanction; and the prompt and expeditious resolution of this case is in the best interests of the public and the judiciary. Therefore, pursuant to Rule 30,

////

IT IS HEREBY ORDERED that the hearing panel's recommendation that the Supreme Court approve the proposed stipulated resolution by order censuring the Respondent, along with the official record of these proceedings, be transmitted to the Supreme Court as required by Rule 29.

SUBMITTED this 4<sup>th</sup> day of December, 2014.

**FOR THE HEARING PANEL**

/s/ J. Tyrrell Taber

J. Tyrrell Taber  
Presiding Member

Copies of this pleading were delivered via email this 4<sup>th</sup> day of December, 2014 to:

Brammer@rllaz.com  
J. William Brammer, Jr.  
Rusing Lopez & Lizardi, PLLC  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718

Mvivona@courts.az.gov  
Meredith Vivona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

By Kimberly Welch  
Kimberly Welch  
Commission Specialist

**RECEIVED**

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JANET JOHNSON  
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BY:

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	Case No. 14-219
<b>Anne F. Segal</b>	)	
Consolidated Justice Court	)	<b>RECOMMENDATION</b>
Pima County	)	
State of Arizona	)	
	)	
Respondent,	)	

---

On October 7, 2014, the Commission on Judicial Conduct (“Commission”) filed its Statement of Charges against Consolidated Justice Court Judge Anne F. Segal (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed the undersigned the presiding member of the hearing panel that would conduct the hearing on the charges.

On October 29, 2014, Respondent and Disciplinary Counsel submitted a Stipulated Resolution to the hearing panel in which Respondent agreed to a public censure for misconduct in office. On November 7, 2014, the hearing panel considered the stipulation during an in-person meeting and voted to accept the Stipulated Resolution.



That same day, November 7, 2014, the Commission considered an unrelated matter also pending against Respondent (Case No. 2014-206). The Commission issued a public reprimand in Case No. 2014-206. As a result of this additional discipline, on December 1, 2014, Respondent and Disciplinary Counsel agreed to modifications to the Stipulated Resolution changing only the title and paragraph 16(a) to add a reference to the discipline Respondent received in Case No. 2014-206. The hearing panel reviewed and voted by email to accept the amendments to the Stipulated Resolution on December 2, 2014.

As part of the Stipulated Resolution, the Respondent waived her right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct. All of the conditions in the Stipulated Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office as set forth in the Stipulated Resolution.

SUBMITTED this 4th day of December, 2014.

**FOR THE HEARING PANEL**

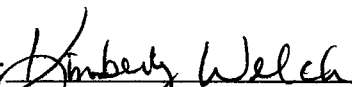
/s/ J. Tyrrell Taber  
J. Tyrrell Taber  
Presiding Member



Copies of this pleading were delivered via email  
this 4<sup>th</sup> day of December, 2014 to:

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J. William Brammer, Jr.  
Rusing Lopez & Lizardi, PLLC  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718

Mvivona@courts.az.gov  
Meredith Vivona  
Acting Disciplinary Counsel  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

By:   
Kimberly Welch  
Commission Specialist

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**CLERK SUPREME COURT**  
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**FILED**  
DEC 04 2014  
JANET JOHNSON  
CLERK SUPREME COURT  
BY:

**STATE OF ARIZONA**  
**COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	Case No. 14-219
<b>Anne F. Segal</b>	)	
Consolidated Justice Court	)	<b>NOTICE OF FILING WITH</b>
Pima County	)	<b>THE SUPREME COURT</b>
State of Arizona	)	
	)	
Respondent,	)	

**PLEASE TAKE NOTICE** that the Commission's recommendation in the above-entitled case, together with all other pertinent pleadings contained in the record, were filed on this date with the Clerk of the Arizona Supreme Court, 1501 W. Washington Street, Suite 402, Phoenix, Arizona 85007. Copies of the pleadings, along with this notice, were promptly served on Respondent.

The Commission accepted a stipulated resolution for discipline by consent in this case in the best interest of the public and pursuant to guidance provided in previous cases in which the Commission was encouraged to pursue alternative resolutions. *In Re Braun*, 180 Ariz. 240, 242, 883 P.2d 996, 998 (1994); *In Re Garcia*, 180 Ariz. 294, 296, 884 P.2d 180, 182 (1994).

The Clerk of the Supreme Court is advised that the Respondent has waived the right in Rule 29(c) of the Rules of the Commission on Judicial Conduct to petition the Court to modify or reject the Commission's recommendation and the right to request oral argument. This matter, therefore, may be deemed submitted pursuant to Rule 29(e).

Dated this 4<sup>th</sup> day of December, 2014.

COMMISSION ON JUDICIAL CONDUCT



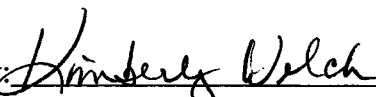
---

George A. Riemer  
Executive Director

Copies of this pleading were delivered via email only this 4<sup>th</sup> day of December, 2014 to:

Brammer@rllaz.com  
J. William Brammer, Jr.  
Rusing Lopez & Lizardi, PLLC  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718

Mvivona@courts.az.gov  
Meredith Vivona  
Acting Disciplinary Counsel  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

By:   
\_\_\_\_\_  
Kimberly Welch  
Commission Specialist

RECEIVED

DEC - 4 2014

CLERK SUPREME COURT

FILED
DEC 04 2014
JANET JOHNSON CLERK SUPREME COURT BY:

SUPREME COURT OF ARIZONA

Inquiry concerning

**Judge Anne F. Segal**  
Consolidated Justice Court  
Pima County  
State of Arizona

) Supreme Court No. JC-14-\_\_\_\_\_

) Commission No.: 14-219

) **CENSURE FOR VIOLATIONS OF  
THE CODE OF JUDICIAL  
CONDUCT**

Respondent,  
\_\_\_\_\_

This matter having come before the Supreme Court, it having duly considered the stipulated resolution between disciplinary counsel for the Commission on Judicial Conduct and Respondent, and the recommendation of the commission's hearing panel to approve the agreed to sanction, all applicable rights to object to or petition for modification of the recommendation having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

**IT IS ORDERED** that Judge **Anne F. Segal** is hereby censured for violations of the Code of Judicial Conduct as set forth in the Amended Stipulated Resolution, which is attached hereto.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Janet Johnson  
Clerk of the Court

**TO:**

**J. William Brammer, Jr., Counsel for Respondent  
Meredith Vivona, Acting Disciplinary Counsel, Commission on Judicial Conduct  
George A. Riemer, Executive Director, Commission on Judicial Conduct  
Kimberly Welch, Clerk of the Commission**