

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-282

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Judge:

Complainant:

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**ORDER**

An anonymous complaint alleged a justice of the peace improperly used a photograph of himself on the bench in an election campaign advertisement.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

Rule 4.1(A)(8) of the Code of Judicial Conduct prohibits a judge from using court facilities in a campaign for judicial office. Formal Advisory Ethics Opinion 10-02 permits the use of photos of judges on the bench in campaign materials in very limited circumstances, none of which are applicable to the ad used by the judge in this case. While the judge should not have used the photo in question in his election campaign, the Scope Section of the Code contemplates that not every transgression will result in the imposition of discipline, and the commission determined that no formal discipline was warranted after considering all the facts and circumstances. The commission approved sending the judge a private warning letter concerning the restrictions contained in Rule 4.1(A)(8). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: November 13, 2014

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

A copy of this order was mailed  
to the judge on November 13, 2014.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2014-282**

**COMPLAINT AGAINST A JUDGE**

**Name:** \_\_\_\_\_ **Judge's Name:** \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On \_\_\_\_\_ Judge \_\_\_\_\_ ran a campaign advertisement in \_\_\_\_\_  
\_\_\_\_\_ Judge \_\_\_\_\_ appears in the campaign advertisement  
\_\_\_\_\_ Judge \_\_\_\_\_ is in his robe and sitting on the bench in the  
courtroom of the \_\_\_\_\_ Court. The identical advertisement  
ran again on \_\_\_\_\_

The advertisement shows that Judge \_\_\_\_\_ clearly violated the Arizona Code of  
Judicial Conduct. Canon 4.1 A (8) states: A judge or judicial candidate shall not  
do any of the following: (8) use court staff, facilities, or other court resources in  
a campaign for judicial office. I have enclosed the original advertisement for your review.

This advertisement gave Judge \_\_\_\_\_ an unfair advantage in a close election.  
This is Judge \_\_\_\_\_ campaign and he has no excuse for this type of behavior.  
It is my hope that the committee takes appropriate action in this matter.

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