

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-404

Judge:

Complainant:

ORDER

The complainant alleged that a justice of the peace (then a candidate for that position) engaged in prohibited election and political activity in violation of the Code of Judicial Conduct.

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.

While the judge should not have sent the mailing implying he was a judge when he did not yet hold the office, 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. After review, the commission determined that the appropriate action to take was to issue the judge a private advisory letter to thoroughly familiarize himself with the Code of Judicial Conduct and to review Formal Advisory Ethics Opinion 10-02 (Using Judicial Titles and Robes in Election Campaigns). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: February 5, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 5, 2015.

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

From:
To: Commission on Judicial Conduct
Subject: complaint
Date:
Attachments: complaint form.pdf
pol activity judges.pdf
article.pdf
comm_date.pdf
ip.pdf

To Who it May Concern,

I live in _____ and I am questioning the behavior of one of the candidates for _____ in the District.

I will refer to the attached sheet titled "Political Activity by Arizona Judges." Under the Activity column, I question whether the candidate can legally provide Leadership, and Endorse and Solicit Public Support for a Non-Judicial Campaign:

One of the candidates in the _____ primary is _____. He is currently our _____ and to my knowledge a _____. It is my understanding that judicial candidates must resign their elected positions once they declare their candidacy and also comply with rules of the judiciary.

I have attached an article from the _____ News documenting _____ declaring his decision not to run for reelection to Arizona _____ but instead run for _____ in the _____ District. Should he have resigned his position as _____ and _____ at that time? (Leadership)
 Second, the article declares he is supporting _____ to replace him as _____. As a judicial candidate, can he publicly endorse another candidate? (Endorse, Solicit Public Support)

On _____ visited the _____ precinct committeemen meetings to present a _____. At both meetings he reviewed current proceedings in the Arizona _____. He was accompanied by _____ and offered his support of their pending campaigns for reelection. (Leadership, Endorse, Solicit Public Support)

Also attached is _____ Political Committee Statement of Organization dated _____. The _____ still held state office at this time. Also, _____ is well past _____ when he announced and should have formed his committee at that time.

Finally, I have attached an envelope being circulated in the _____ District by _____. However, he describes himself as the _____. Is this legal? He is not currently the _____ this misleads voters. I've combined a copy of this letter with the law I feel applies.

Thanks for your attention to this matter and feel free to clarify any points I may have misconstrued.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2014-404

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.

Please see the attached letter and documents regarding the candidacy of _____

I am wondering if he is following judicial ethics in _____

a number of matters. Thanks, _____
