

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-062

Judge: Jeanne M. Garcia

Complainant: Dennis Wells

ORDER

The complainant alleges a superior court judge had improper ex parte communications and conducted an independent investigation.

Rule 2.9 of the Code of Judicial Conduct states:

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows:

(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) The judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) The judge makes provision to promptly notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

...

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law to do so.

...

(C) Except as otherwise provided by law, a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

In a family law case, Judge Garcia advised the self-represented parties that she intended to contact a caseworker for the Department of Child Safety (DCS). Judge Garcia thereafter had an ex parte conversation with the caseworker and,

without allowing the parties an opportunity to be heard about the substantive information she received, issued a ruling that discussed and cited the ex parte conversation as a basis for denying relief sought by the mother. The mother filed a motion for reconsideration, alleging that Judge Garcia had made her decision based on incorrect information. DCS confirmed that the information Judge Garcia stated in her order was not, in fact, correct. Judge Garcia admitted that contacting DCS caseworkers off the record and outside the presence of the parties is a typical practice for her on her family law calendar.

Judge Garcia's contact with the DCS caseworker in this case was an improper ex parte communication and an improper independent investigation of the facts of the case. Judge Garcia should immediately cease such conduct.

Accordingly, Superior Court Judge Jeanne M. Garcia 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).

Dated: May 12, 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 May 12, 2015.

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

MAR 04 2015

Comp

2015-062



Arizona Ombudsman-Citizens' Aide

3737 N. 7th St., Ste. 209
Phoenix, Arizona 85014
(602) 277-7292 (800) 872-2879

2/12/2015

The Honorable Norman J. Davis
Presiding Judge, Superior Court, Maricopa County
125 West Washington Street, 5th Floor
Phoenix, AZ 85003

Re: Case #1404738

Dear Honorable Norman J. Davis:

The Office of the Arizona Ombudsman-Citizens' Aide is a legislative agency tasked with investigating complaints regarding administrative actions of state agencies. In the course of our work, if we come upon situations outside our authority, we refer those concerns to the entities that have proper jurisdiction. Additionally, with the passage of Laws 2014, Chapter 9, § 10, we will have occasion to refer matters to you. Such is the case with the matter below.

We investigated a complaint about the Department of Child Safety (DCS) filed by a mother, [redacted]. The complainant alleged that DCS had provided Family Court Judge Jeanne Garcia inaccurate information suggesting the mother had a substance-exposed child that had been removed from the hospital by DCS and that a presumption of substance abuse existed. The mother said the judge then used this information as rationale for an adverse minute entry ruling against her. See attached minute entry for FC2012-070097, dated 11/10/2014.

Our office reviewed the DCS case file and evidence and could not find a basis for the substance abuse claims. We asked crisis management at DCS to review the situation and they did not find any reference to substance abuse either. DCS also confirmed they had not removed the child from the mother's care and agreed the [redacted].

When DCS management asked their worker Jessica Young to explain, she said that Judge Garcia had called her on her cell telephone on October 30, 2014, and made inquiries. However, Ms. Young claimed she had not stated what Judge Garcia later described in the minute entry. DCS worker Young said her representations about the conversation with the judge could be corroborated with another DCS worker who had overheard the discussion. DCS

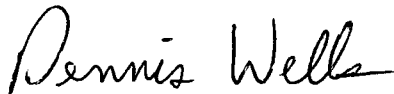
2015-062

managers told us the caseworker and various management workers have informed the judge that the information on the minute entry is incorrect.

We are not substantiating the allegations as they relate to DCS. Because we have no jurisdiction over judicial acts or possible ex parte communications, we are bringing this matter to the presiding judge of the superior court of the appropriate county for further review, and any action you deem appropriate.

We are attaching the Minute Entry and the Family Court Case Information-Case History for your reference. If you need further information, you may contact me, Deputy Ombudsman Joanne MacDonnell or Senior Investigator Keith Meyer at 602-277-7292.

Sincerely,



Dennis Wells
Ombudsman-Citizens' Aide

cc: George Reimer, Director
Arizona Commission on Judicial Conduct

Frances Marable
Department of Child Safety, Crisis Management

Attachments: Minute Entry, FC2012-070097, 11/10/2014.
Family Court Case Information – Web site list of case history.



15-062
Judge MR Supp
6/26/15

SUPERIOR COURT OF ARIZONA

From the Chambers of
Judge Jeanne Garcia

IN MARICOPA COUNTY
Northwest Regional Center
14264 West Tierra Buena Lane, Suite B
Surprise, Arizona 85374

Phone: (602) 372-0610

June 26, 2015

Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

Re: SUPPLEMENT to Motion for Reconsideration
Case No. 15-062

Dear Commission Members:

I file this Supplement to my Motion for Reconsideration to request that as you reconsider my case, you take into account the panel discussion held at the Judicial Conference presentation I attended last Wednesday, June 17, 2015 from 3:30-5:00 p.m. ("Ethics: Current Trends in Judicial Discipline and Judicial Ethics") I found the discussion relating to ex parte communication noteworthy in light of my circumstances.

On the topic of ex parte communications, Judge Kreamer shared how he has spoken to probation officers about criminal defendants on his sex crimes caseload. I found myself wondering how that could be acceptable but my situation was not, especially when:

1. In my situation, after the parties told me there was a pending investigation with DCS, I told the parties I would be contacting DCS to ascertain the status and I then reported what I thought I was told.
2. I subsequently corrected the misinformation; and
3. My initial ruling did not change the status quo.

As I earlier stated, I have ceased the practice. However, if you are going to publish my reprimand, please explain the differences between the two situations to educate all those reading it.

Very truly yours,

Jeanne Garcia

Resp

APR 06 2015



SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY
Northwest Regional Center
14264 West Tierra Buena Lane, Suite B
Surprise, Arizona 85374

From the Chambers of
Judge Jeanne Garcia

Phone: (602) 372-0610

April 6, 2015

Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

Re: Case No. 15-062

Dear Commission Members:

Thank you for giving me the opportunity to respond to [redacted] complaint that I engaged in improper ex parte communication with DCS caseworkers which formed the basis for my ruling.

The hearing was held within the first two months after I began my current service on the Family Bench. In viewing the recording of the proceeding, I see that I made a mistake in not specifically requesting the parties' permission to speak to the DCS caseworker. (A CD containing the digital recording of the hearing is attached.)

My usual practice upon learning of a DCS investigation during a return hearing is to obtain the name and phone number of the DCS caseworker and call them while on the record in the presence of the parties. If the caseworker is unavailable, I usually leave a message and obtain the parties' permission to speak with the caseworker when they call back and report a summary of the conversation in a minute entry. The reason I do this is because when the parties first appear before me at the brief return hearing, I usually set an evidentiary hearing within 30 days.

[redacted] filed a Motion for Post-Decree Temporary Order in which she asserted that her [redacted] year-old daughter, [redacted], was being physically abused by her Father, [redacted] and his girlfriend. Under the current orders issued August 9, 2013 and affirmed on October 16, 2013, [redacted] lives with [redacted] and [redacted] parenting time is every other week-end from 9:00 a.m. until 6:00 p.m. As of January, 2014, she no longer required a supervisor for her parenting time. During the return hearing held on August 7, 2014, [redacted] told me that DCS started an investigation a week earlier and had looked at his house. [redacted] told me that [redacted] was not removed from

April 6, 2015
Page Two

Father's house and that a prior investigation concerning abuse of _____ was reopened because of concerns regarding her newborn child. I told the parties I was going to call the DCS contact later that day to ascertain the status of their investigation and would include a summary of my conversation in the minute entry. Regrettably, I did not specifically obtain their permission to have that conversation outside their presence. The minute entry I issued simply notes as follows: "The court is inclined to deny Mother's Petition for Temporary Orders until speaking to the caseworker, Jennifer Young, at Department of Child Safety." (A copy of that minute entry is enclosed.)

After the hearing, I left a voice message for Ms. Young on August 21, 2014. Not hearing back from her, I left another voice message for Ms. Young on October 20, 2014. On that date, I also issued a minute entry advising that I still had not been able to reach Ms. Young and indicated the matter remained under advisement. (A copy of that minute entry is enclosed.) I left another voice message for Ms. Young on October 23, 2014. Still not hearing from her, I asked my judicial assistant to contact Ms. Young's supervisor. Ms. Young spoke with my judicial assistant after that and left her personal cell phone number. I also received a voice message from Ms. Young on October 24, 2014 at approximately 9:00 in the morning. We finally connected on October 30, 2014 at approximately 5:25 p.m. I issued a minute entry based on the information Ms. Young told me. (You attached a copy of that minute entry, dated November 10, 2014, to the letter you sent me. A copy of the notes I took while speaking to Ms. Young is attached.)

_____ sent me a letter dated November 21, 2014 advising that Jessica Young provided me with inaccurate information. (A copy is enclosed.) On December 16, 2014, I received a call from Monique Thomas from DCS who advised that there were no concerns with substance abuse on the current investigation, but that in 2011, _____ had been removed from Mother's care. I subsequently spoke with DCS's Cassandra Wayterra and asked that DCS records be provided to me for an in camera inspection. I issued a minute entry on December 19, 2014, which noted that I was treating _____ letter as a motion for reconsideration and asked for responses from _____ and DCS. (A copy of that minute entry and my notes from phone conversations with Ms. Thomas and Wayterra are enclosed.) I also issued a minute entry dated January 26, 2015 noting that _____ Response to the Motion for Reconsideration lacked a mailing certificate to indicate it was provided to _____ and ordering that he immediately mail her a copy so she could file a reply. (A copy of that minute entry is enclosed.)

April 6, 2015
Page Three

As you can see, I do not take ex parte communication from a party lightly. If I receive a letter from a party that is not sent to the other, I order that a copy be sent to provide notice and an opportunity to be heard. When I contact DCS outside the presence of the parties, it is simply to ascertain the status of an investigation.

If I misunderstood what Ms. Young told me on October 30, 2014, I sincerely apologize to _____ and Ms. Young. Since receiving this complaint, I have started recording the conversations with DCS or sent the DCS contact a confirming e-mail to make sure I accurately record what was said.

Very truly yours,


Jeanne Garcia

Enclosures:

1. FTR recording of the August 7, 2014 hearing
2. Minute entry from the August 7, 2014 hearing
3. My hand-written notes from telephone contact with DCS employees
4. Minute entry dated October 20, 2014
5. Letter from _____ dated November 21, 2014
6. Minute entry issued December 18, 2014
7. Minute entry issued January 26, 2015

MR
JUN 11 2015



SUPERIOR COURT OF ARIZONA

From the Chambers of
Judge Jeanne Garcia

IN MARICOPA COUNTY
Northwest Regional Center
14264 West Tierra Buena Lane, Suite B
Surprise, Arizona 85374

Phone: (602) 372-0610

June 11, 2015

Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

Re: Motion for Reconsideration
Case No. 15-062

Dear Commission Members:

I file this Motion to respectfully request that you reconsider making my mistake a private matter rather than public. However, I understand that you may deem it appropriate to publish my mistake so that other judges can learn by it and to demonstrate that the public should have confidence in the highest standards of our bench.

I wish to explain my confusion on crossing the line between the permissible ex parte nature of temporary orders in Family Court and my intent in my former practice of taking return calls from Department of Child Safety ("DCS") caseworkers after attempts to reach them in the parties' presence.

Rule 48 of Arizona Rules of Family Law Procedure allows a party to file a Motion for Temporary Orders without notice, or on an ex parte basis. I receive these types of Motions weekly, most of which indicate DCS involvement. I use the information in the Motion to initially determine whether to grant or deny the Motion without notice to the other party. Whether I deny or grant, a return hearing is set. Many times when the parties appear at the return hearing, they advise that they do not know the status of the DCS investigation, so I attempt to ascertain the status in their presence by calling the DCS caseworker. Much of the time, I am not able to speak with the DCS caseworker during the hearing. My intent on obtaining the status of an investigation without the parties present was simply to ascertain whether it has concluded so that I am able to move the case forward by setting the next hearing. Because of my extreme caseload and associated congested calendar, knowing there would be more delay involved if I had to set yet another hearing for the sole purpose of ascertaining the status of an investigation in the presence of the parties, I believed this procedure appropriate.

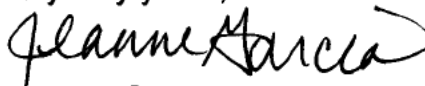
June 11, 2015
Page Two

However, I have ceased this practice and now understand that it is only the initial ex parte Motion that can be considered outside the presence of both parties.

Unfortunately in _____ case, I allowed more information that turned out to be inaccurate to be used. Fortunately, that information was later corrected. My initial decision to deny _____ Motion for Temporary Order maintained the status quo as far as who the child spent time with and who made decisions. However, I understand how my error, even though later corrected, has caused concern. I again apologize for my error.

In light of my further explanation, I ask that you consider allowing my lesson learned to be a private matter and change your decision to publicly reprimand me.

Very truly yours,


Jeanne Garcia

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

FILED

JUN 17 2015

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning

Judge Jeanne Garcia
Superior Court
Maricopa County
State of Arizona,

Respondent.

} Case No.: 15-062

} **ORDER DIRECTING THE FILING
OF A RESPONSE**

Respondent Judge Jeanne Garcia filed a Motion for Reconsideration of the public reprimand issued on May 12, 2015.

IT IS ORDERED that Disciplinary Counsel for the commission shall prepare and file a response to Respondent's motion by July 17, 2015. Disciplinary Counsel shall provide a copy of her Response to Respondent on or before July 17, 2015. Absent a request from the commission, Respondent may not submit a written reply brief or any additional materials.

Dated this 17th day of June, 2015.

FOR THE COMMISSION

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

Copies of this pleading were delivered on June 17, 2015, via electronic mail, to:

Hon. Jeanne Garcia
Maricopa County Superior Court
Northwest Regional Center
14264 W. Tierra Buena Lane, Suite B
Surprise, AZ 85374
garciaj014@superiorcourt.maricopa.gov

Respondent

April P. Elliott
aelliott@courts.az.gov

Disciplinary Counsel

By: /s/ Kim Welch
Kim Welch, Commission Clerk

April P. Elliott (Bar #016701)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200
Email: *aelliott@courts.az.gov*

FILED
JUN 26 2015
ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA

COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	Case No.: 15-062
)	
Judge Jeanne Garcia)	Response to Motion for
Superior Court)	Reconsideration
Maricopa County)	
State of Arizona,)	
)	
Respondent.)	

On May 12, 2015, the Commission on Judicial Conduct (Commission) publicly reprimanded Judge Jeanne Garcia (Respondent) for violations of the Arizona Code of Judicial Conduct (Code). Respondent filed a Motion for Reconsideration on June 11, 2015. Undersigned Disciplinary Counsel submits this response pursuant to Commission Rule 23(b), respectfully requesting that the commission deny the motion.

I. Good Cause Exists for the Imposition of the Reprimand

The Commission's reprimand was based on a finding that Respondent violated two subsections of Rule 2.9 of the Code, as she engaged in improper ex parte communication and conducted an improper independent investigation.

In a family law case, Judge Garcia advised the self-represented parties that she intended to contact a caseworker for the Department of Child Safety (DCS). Judge Garcia thereafter had an ex parte conversation with the caseworker and, without

allowing the parties an opportunity to be heard about the substantive information she received, issued a ruling that discussed and cited the ex parte conversation as a basis for denying relief sought by the mother. The mother filed a motion for reconsideration alleging that Judge Garcia had made her decision based on incorrect information. DCS confirmed that the information Judge Garcia stated in her order was not, in fact, correct. Judge Garcia admitted that contacting DCS caseworkers off the record and outside the presence of the parties is a typical practice for her on her family law calendar.

Rule 2.9 of the Code of Judicial Conduct states:

- (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows:
 - (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:
 - (a) The judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and
 - (b) The judge makes provision to promptly notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.
 - ...
 - (5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law to do so.
 - ...
- (C) Except as otherwise provided by law, a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

Judge Garcia's contact with the DCS caseworker was an improper ex parte communication and an improper independent investigation of the facts of the case.

While Rule 2.9(A)(3) does permit a judge to consult with court personnel "whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities," Disciplinary Counsel does not believe this subsection to be applicable. The DCS employee was not a judicial branch employee, but rather an employee of an agency under the executive branch. This particular subsection might encompass the situation of a judge speaking to a probation officer about a pending criminal matter or a parenting coordinator in a family law matter. However, Rule 2.9(A)(3), still requires that if the judge acquires any factual information outside the record, the judge must notify the parties of the substance of that information and give them an opportunity to respond. That did not occur in this case.

II. Factors Supporting a Sanction

The Scope section of the Code sets forth several factors for the commission to consider in determining whether a sanction is appropriate in a particular case. On balance, those factors support the issuance of the reprimand in this case.

A. Seriousness of the Transgressions

Judge Garcia readily admitted she utilized this practice in many of the cases on her calendar, and thus her conduct affected a great many litigants. In this particular case, the mother is left with the belief that the court ruled against her based on incorrect information. Her case is still pending before Judge Garcia, and she has no confidence in Judge Garcia's rulings. Thus, such conduct does not promote public confidence in the judiciary.

This factor weighs in favor of a sanction.

B. Facts and Circumstances Existing at the Time of the Transgression

At the time Judge Garcia engaged in her conduct, she believed it would assist in judicial efficiency. As she noted in her motion for reconsideration, “my intent on obtaining the status of an investigation without the parties present was simply to ascertain whether it [DCS’s investigation] has concluded so that I am able to move the case forward by setting the next hearing. Because of my extreme caseload and associated congested calendar, knowing there would be more delay involved if I had to set yet another hearing for the sole purpose of ascertaining the status of an investigation in the presence of the parties, I believed this procedure appropriate.” While Judge Garcia’s motivations appear well-intentioned, the concept that speaking to a potential witness outside the presence of the parties and then utilizing that information to make a ruling against a party without giving the parties an opportunity to be heard on the substantive information obtained, is the very definition of prohibited ex parte communication.

This factor weighs in favor of a sanction.

C. Extent of Any Pattern of Improper Activity or Previous Violations

Respondent has not previously been publicly disciplined for conduct of this nature. She does not have prior public discipline.

This factor weighs against a sanction.

D. The Effect of the Improper Activity Upon the Judicial System or Others

The success of our judicial system requires that the public have trust in the independence, integrity, and impartiality of the judges who serve on the bench. When a judge behaves in an unprofessional manner, such behavior undermines that trust. Judge Garcia's conduct was not limited to an isolated case. She has admitted that what occurred in the complainant's case has occurred in many other cases. The complained of conduct has been her general practice.

This factor weighs in favor of a sanction.

Three of the four factors that the commission must consider weigh in favor of issuing a sanction (a dismissal with an advisory comment or warning is not a sanction). Respondent's explanation of the need for expediency ignores the clear restrictions against ex parte communications and independent investigations in Rule 2.9.

Respondent asserts that she has ceased such conduct, and asks the Commission to allow her "lesson learned to be a private matter," and to change the decision to publicly reprimand her. Disciplinary Counsel is mindful of the concept of progressive discipline, however, the imposition of a public reprimand protects the public "by assuring that the judge will refrain from similar acts of misconduct in the future." Commission Rule 5 (Purpose of Judicial Discipline).

III. Aggravating and Mitigating Factors

Rule 19 of the Commission Rules sets forth 10 aggravating and mitigating factors for the commission to also consider.

A. Nature, Extent and Frequency of the Misconduct

By her own admission, Respondent has engaged in the practice of ex parte communication on many cases on her high-volume calendar. The instant complaint is the only case that the commission is aware of in which Respondent misunderstood the information that was provided, but the underlying conduct was improper to begin with. The wide-spread nature of the misconduct tends to give more weight to this being an aggravating, rather than a mitigating, factor.

B. Judge's Experience and Length of Service on the Bench

Respondent has been a judge for approximately 10 years. She has substantial experience, and should be well-versed in her ethical obligations under the Code. Therefore, this is an aggravating factor as well.

C. Whether the Conduct Occurred in the Judge's Official Capacity or Private Life

The conduct occurred in Respondent's official capacity, however, Disciplinary Counsel does not deem this factor applicable to this case.

D. Nature and Extent to Which the Acts of Misconduct Injured Other Persons or Respect for the Judiciary

The mother in the underlying case believes she received unfavorable treatment from Respondent based on incorrect information. Respondent's conduct also clearly impacted the public's perception and respect for the judiciary, and casts the judiciary in a negative light. This is an aggravating factor.

E. Whether and to What Extent the Judge Exploited His or Her Position for Improper Purposes

Disciplinary Counsel does not deem this factor as applicable.

F. Whether the Judge has Recognized and Acknowledged the Wrongful Nature of the Conduct and Manifested an Effort to Change or Reform the Conduct

In her motion for reconsideration, Respondent does recognize how her conduct was perceived, and she has ceased such conduct. Therefore, this becomes a mitigating factor.

G. Whether There Has Been Prior Disciplinary Action Concerning the Judge, and if so, its Remoteness and Relevance to the Present Proceeding

As stated previously, Respondent has no prior public discipline for similar conduct. Thus, this is a mitigating factor.

H. Whether the Judge Complied with Prior Discipline or Requested and Complied with a Formal Ethics Advisory Opinion

Disciplinary Counsel does not deem this factor as applicable.

I. Whether the Judge Cooperated Fully and Honestly with the Commission in the Proceeding

Respondent has fully cooperated and has been honest as best as Disciplinary Counsel can determine. This is a mitigating factor.

J. Whether the Judge was Suffering from Personal or Emotional Problems, or from Physical or Mental Disability or Impairment at the Time of the Misconduct

This was not raised as a defense by Respondent, and Disciplinary Counsel does not deem this factor applicable to this case.

While the aggravating factors balance the mitigating factors numerically, the commission is free to assign whatever weight it chooses to the factors. Again, given the wide-spread nature of the conduct, Respondent's substantial experience, the injury to the mother, and the injury to the public perception of the judiciary,

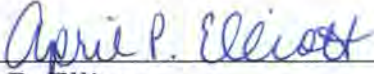
Disciplinary Counsel argues that the overall balance is in favor of upholding the prior sanction.

IV. Conclusion

Disciplinary Counsel respectfully requests that the commission deny Respondent's motion and leave in place the public reprimand order issued May 12, 2015, in this case.

Dated this 26th day of June, 2015.

COMMISSION ON JUDICIAL CONDUCT



April P. Elliott
Disciplinary Counsel

Copies of this pleading delivered via first class U.S. mail and email on June 26, 2015, to:

Hon. Jeanne Garcia
Maricopa County Superior Court
Northwest Regional Center
14264 W. Tierra Buena Lane, Suite B
Surprise, AZ 85374
garciaj014@superiorcourt.maricopa.gov

Respondent

By 

Kim Welch, Commission Clerk

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-062

Judge: Jeanne M. Garcia

Complainant: Dennis Wells

**ORDER DENYING RESPONDENT JUDGE'S
MOTION FOR RECONSIDERATION**

The respondent judge filed a motion for reconsideration of the commission's reprimand as set forth in its previous order. Pursuant to Commission Policy 23, disciplinary counsel was requested to file a response to the motion, and did so.

On August 7, 2015, the commission denied the motion for reconsideration. As provided in Commission Policy 23, the respondent judge's motion for reconsideration, disciplinary counsel's response, and this order denying the motion for reconsideration shall be made a part of the record that is posted to the commission's website with the other public documents (the complaint, the judge's response, and the reprimand order).

Dated: August 14, 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 August 14, 2015.p

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

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-062

Judge: Jeanne M. Garcia

Complainant: Dennis Wells

**AMENDED
ORDER DENYING RESPONDENT JUDGE'S
MOTION FOR RECONSIDERATION**

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Dated: August 17, 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 August 17, 2015.

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