

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-099

Judge:

Complainants:

AMENDED ORDER

The complainants alleged a superior court judge (now retired, but on the call back to duty roster) listed false information on his court biography, baselessly threatened two attorneys with criminal contempt, and improperly appointed the husband of a court employee as a real estate commissioner in a case.

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.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter encouraging him to review the requirements and balancing test of Rule 2.19, Local Rules of Superior Court for Maricopa County, before issuing orders to seal or redact court files or records. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

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

On December 20, 2017, the commission approved amending this order nunc pro tunc to August 17, 2015, to reflect the names of two complainants who were inadvertently omitted from the caption of the original order.

Commission members George H. Foster, Jr., Anna Mary Glaab, Art Hinshaw, Diane M. Johnsen, and J. Tyrrell Taber did not participate in consideration of this matter.

Dated: December 21, 2017

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on December 21, 2017.

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

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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 complainants and the judge on August 17, 2015.

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

1 FROM:

2 TO: ARIZONA COMMISSION ON JUDICIAL CONDUCT

3 (attachment to Complaint Form)

4
5 COMPLAINT AND REQUEST FOR INVESTIGATION OF
6 JUDGE

7
8 **JUDGE IS A DISGRACE TO THE ARIZONA COURTS**
9 **AND TO THE STATE BAR OF ARIZONA**

10 The Preamble to the Code of Judicial Conduct states in part:

11 Our legal system is based on the principle that an independent, fair and
12 competent judiciary will interpret and apply the laws that govern us. The
13 role of the judiciary is central to American concepts of justice and the rule
14 of law. Intrinsic to all sections of this code are the precepts that judges,
15 individually and collectively, must respect and honor the judicial office as
16 a public trust and strive to enhance and maintain confidence in our legal
17 system. The judge is an arbiter of facts and law for the resolution of
18 disputes and a highly visible symbol of government under the rule of law.

17 **I. OVERVIEW OF COMPLAINT**

18 A ago, my year old asked, “

19 ?” In the past, I would have said, “ .” However, after reviewing Judge

20 biographies, I responded, “

21 .”

22
23 I have a great respect for the judiciary and the Arizona judiciary in particular.

24 My dealings with the courts and judges have always been professional on both sides
25 and actually pleasant. I actually enjoy going to court on behalf of my clients in part
26 because I like the judiciary. Therefore, I would very much like to say that it is with
27 deep regret that I file and submit this Complaint against , but I cannot
28

1 Also, Judge [redacted] apparently
2 of various [redacted], and if done with the intent to defraud, then he has committed a
3 felony for each [redacted]. In addition to the foregoing, Judge
4 affirmative misrepresentations, especially as to his professional background are beyond
5 dispute after a review of the documents. All of Judge [redacted] actions described
6 above and below are violations of the Judicial Canons and grounds for discipline under
7 the Arizona Constitution. In addition to Judge [redacted] continuous
8 misrepresentations, he has acted in an intemperate manner on least [redacted] recent occasions
9 of which we are presently aware and likely many other occasions. On
10 [redacted] held a [redacted] hearing against
11 [redacted] based upon behavior which could not reasonably be considered
12 [redacted], let alone [redacted] under any stretch of the imagination.² In order to
13 further stick the knife into [redacted], after issuing his notice of
14 [redacted] hearing, made a comment directly to [redacted] which was
15 something to the effect of, “ [redacted] ” in reference to the
16 [redacted] hearing date.

17 After obviously enjoying and relishing in his torture of [redacted] as
18 evidenced by the transcript of the hearing, Judge [redacted] threatened
19 [redacted] weeks later, on [redacted], with holding [redacted], a

26 ² Ironically, Judge [redacted] recently held a [redacted] hearing against
27 [redacted] because he didn't qualify his answer with “
28 [redacted]” while at the same time Judge [redacted] own [redacted] are expressly
false.

1 threats of _____ against _____, I respectfully request that
2 the disciplinary proceedings be expedited and proceed as soon as possible given the
3 exigencies. At the very least, I respectfully suggest that Judge _____ should be given
4 a copy of this Complaint and asked to respond to the allegations under oath. For
5 example, simple questions would be: “Were you the _____ from
6 _____
7 _____ at stated on your official court biography? Were you a
8 _____
9 “starting in _____” as stated in another biography?”

10
11 **II. JUDGE _____ VIOLATIONS OF THE CODE OF JUDICIAL**
12 **CONDUCT AND THE ARIZONA CONSTITUTION REQUIRE AN**
13 **INVESTIGATION OF JUDGE _____**

14 This Complaint will evidence that Judge _____ has violated the Arizona Code
15 of Judicial Conduct in several ways including but not limited to violations of Canon 1,
16 Canon 2 and Canon 3. There also exist Arizona constitutional grounds to investigate
17 and remove Judge _____ from the bench. He has engaged in willful misconduct in
18 office. He has engaged in the willful and persistent failure to perform duties. He has
19 engaged in habitual intemperance. He may have a permanent disability that seriously
20 interferes with the performance of his duties; i.e, at least one _____ has communicated
21 in writing that he is “_____” which is also evidenced by the transcript of the
22 _____
23 hearing as to _____ and his baseless, off the record, threats
24 against _____ . Beyond dispute he has engaged in multiple
25 violations of the Code of Judicial Conduct. Beyond dispute he has engaged in Conduct
26 which is prejudicial to the administration of justice that brings the office into disrepute.
27
28

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**