

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-267

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Judge: Jose Luis Castillo

Complainant: Sarah R. Simmons

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**ORDER**

The complainant brought an incident to the attention of the commission that raised concerns that a justice of the peace, now retired, had acted in an undignified and discourteous manner in a judicial proceeding.

Rule 2.8(B) of the Code of Judicial Conduct requires that a judge “shall be patient, dignified, and courteous to litigants . . . .” Additionally, Rule 1.2 states that “a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

In open court, former Judge Castillo told an attorney, in part: “I remember you . . . I recuse myself from your cases . . . you are the gentleman who yelled at the lady who is now my wife.” Former Judge Castillo went on to state that the attorney was disrespectful to other women based on rumors he had heard in the community, stated he was concerned the attorney was a “misogynist,” and advised he would never hear that attorney’s cases. Former Judge Castillo then brusquely ordered the attorney from his courtroom. During the attorney’s brief appearance before former Judge Castillo, he could only make brief statements, but he was respectful and polite.

Former Judge Castillo was not patient, dignified, or courteous to the attorney who was appearing before him. Rather, his tone was accusatory, aggressive, and expressed disgust with the attorney’s alleged conduct. Such demeanor violates Rule 2.8(B). Additionally, the demeanor displayed by former Judge Castillo does not promote confidence in the judiciary, and a judge who appears to make a decision based on rumors creates an appearance of impropriety. Thus, such conduct also violates Rule 1.2.

Accordingly, former Judge Castillo is hereby publicly reprimanded for his misconduct as described above, pursuant to Commission Rule 17(a). The record in

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

this case, consisting of the complaint, the judge's response, and this order shall be made public as required by Rule 9(a).

Commission members Anna Mary Glaab and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

FOR THE COMMISSION

/s/ Louis Frank Dominguez

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Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed  
to the complainant and the judge  
on February 5, 2016.

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2015-267

MAY 14 2015

*Arizona Superior Court*

*Pima County  
110 West Congress  
Tucson, Arizona 85701*

**HON. SARAH R. SIMMONS  
PRESIDING JUDGE  
DIVISION 29**

**TELEPHONE 520-724-3932  
FAX 520-724-3934**

May 11, 2015

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

Re: Justice of the Peace Jose Luis Castillo

Dear April:

I am enclosing a CD which has a recording of a hearing that transpired in Justice of the Peace Jose Luis Castillo's courtroom on May 6, 2015. The CD was provided to me by Doug Kooi, Court Administrator. I have listened to the tape and believe it raises issues under Rule 2.8, Arizona Code of Judicial Conduct. I am reporting this pursuant to my duty under Rule 2.15 of that Code. Please let me know if you need additional information.

Very truly yours,

Sarah R. Simmons  
Presiding Judge, Pima County

SRS/mem

Enclosure – CD of Proceeding from May 6, 2015

**JOSÉ LUIS CASTILLO, JR.**

November 4, 2015

**RE: Response to Notice of Complaint**

**Case No. 15-267**

To the Honorable Commission:

I received the above-referenced Complaint and am respectfully responding thereto. I will note that the Complaint is dated May 11, 2015. However, I did not receive the Complaint until October 16, 2015, approximately three months after my retirement from the Bench. The Complaint was addressed to me, using my former title. I have returned to the practice of law, and according to ABA Standing Committee on Ethics and Professional Responsibility, Op. 95-391, I am not allowed to use my former title. I therefore respectfully request that any future communication comply with the above-noted opinion.

The Commission has the CD from my courtroom of May 6, 2015. The Commission will note the tempered measure of my voice. While I did not articulate it, Rule 611 of the Arizona Rules of Evidence allowed me to exercise reasonable control over my courtroom. In fact, this is the very authority the Complainant mentioned was implicated at Arizona Code of Judicial Conduct Rule 2.8. Rule 2.8 mandates a judge **shall** require order and decorum in proceedings before the court. That means that the judge serves as an enforcer of this exact conduct by lawyers. (I mentioned several women by name, including our whom had disrespected.)

I had recused myself from all of cases several years before. At that time, I advised that he had yelled at my fiancé (now my wife) in federal court. Thereafter, notwithstanding my ongoing recusal, he made use of the preemptory affidavit, as he is allowed. The case of May 6, 2015 was newly assigned to me at the time that I saw in court. When I called the case, I realized he was involved in it, and at that time I put on the record the reason for my recusal.

During my attempt to make the record, interrupted the Court at least five times, and even though I had repeated that I was recusing from his cases, he nonetheless interrupted the Court again to ask if he needed to file a 10.2 preemptory challenge of a judge ( final interruption was completely unnecessary due to my announced recusal). Once I made the record, I had to excuse three separate times until I finally had to order him out of my courtroom.

My judicial demeanor was not remotely near what this Commission has previously held to be sanctionable. See, for example, Complaints 13-178, 13-035 and 12-177. The Complainant never contacted me nor any of the aggrieved women that I mentioned.

It would have been remarkably shortsighted to invite to chambers where no record could be kept. This became very clear recently. I am now working at where falsely accused me of Disorderly Conduct in the reception of my offices, and attempted to have me arrested on October 7, 2015. (

I committed no ethical infraction on May 6, 2015. In spite of unacceptable behavior towards others, I tempered my words to him and was dignified from the Bench.

Sincerely,

s/ José Luis Castillo, Jr.