

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-037

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in inappropriate political activity.

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 the judge had worn a button supporting a political candidate on one occasion. While this was improper under Rule 4.1(A)(3), the Scope Section of the Code of Judicial Conduct provides that it is not intended that every transgression will result in the imposition of discipline. The commission decided, after considering all the facts and circumstances, to dismiss the complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge to avoid publicly endorsing or opposing another candidate for any public office.

Commission member J. Tyrell Taber did not participate in the consideration of this matter.

Dated: May 12, 2016

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, 2016.

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

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

Complaint against

Dear Commission Members:

On Judge appeared at a quarterly meeting of the
 Judge appeared as a candidate for public office and as a current judge in the
superior court of Judge publicly spoke to the attendees gathered, introduced
himself as a current judge and judicial candidate, had a table at the event announcing his candidacy, and
collected signatures on his nominating petitions.

During the event, I observed Judge prominently wearing a
campaign button. Judge prominently wore the campaign button of another candidate for public
office while gathering signatures for his own nominating petitions, while publicly introducing himself as
a current judge and current judicial candidate, and while speaking to the gathered attendees as he
announced his position as a current judge and judicial candidate.

Judge , who also serves as the and who is a current member of
the , has violated Canon 4, Rule 4.1(A)(5) of
the Arizona Code of Judicial Conduct which states, in relevant part:

“A judge or a judicial candidate shall not ... actively take part in any political campaign other than his or
her own campaign for election, reelection or retention in office[.]”

Commentary from the Arizona Code of Judicial Conduct, relevant to Canon 4, states in part:

“Even when subject to public election, a judge plays a role different from that of a legislator or executive
branch official. Rather than making decisions based upon the expressed views or preferences of the
electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in
furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free
and appear to be free from political influence and political pressure. ... Public confidence in the
independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to
be subject to political influence.”

Such activity, as demonstrated by Judge , is inconsistent with an independent and impartial
judiciary. Judge was not privately expressing his views on another candidate for public office.

Judge [redacted] has also violated Rule 1.2, Promoting Confidence in the Judiciary, whereby "[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."

While the substance of this complaint may seem trivial, Judge [redacted] actions clearly violate both the letter, and the spirit, of the Arizona Code of Judicial Conduct. Judge [redacted] in his capacity as presiding judge and elections judge for [redacted] has the authority to sanction others who commit campaign misconduct, or who violate the Code of Judicial Conduct. As such, Judge [redacted] campaign activities should be absolutely above reproach.

Respectfully submitted.

Attached (and sent electronically) is a digital image of Judge [redacted] wearing the campaign button of another candidate for public office at the public event on [redacted]. Clearly depicted in the image is Judge [redacted] gathering a campaign nominating signature while wearing a button of the same kind being offered by the person in the left of the image.