

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-038

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge violated several provisions of the Code of Judicial Conduct in connection with her re-election campaign.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 2, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 2, 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 Judge

Dear Commission Members:

On _____ Judge _____ attended a _____ of the _____ Judge _____ appeared as a candidate for judicial office and as a current judge in the superior court of _____ Judge _____ publicly spoke to the gathered attendees, introduced herself as a current judge and judicial candidate, had a campaign table at the event promoting her candidacy, and collected signatures on her nominating petitions.

During and after the event, I observed two of Judge _____ campaign Facebook pages (“timeline” and “about”) directing visitors to her campaign website, listed as an official biography page _____ . The official government website and its URL, administered and owned by _____ and/or the state of Arizona, give a detailed biography of Judge _____ as a current judge in _____ Such direction by Judge _____ Facebook page to this official government website would cause a reasonable person to infer that _____ and/or the state of Arizona is endorsing Judge _____ in her bid for reelection to _____

As such, Judge _____ is in violation of A.R.S. § 11-410.A which states in pertinent part “A county shall not spend or use its resources, including the use or expenditure of monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value, for the purpose of influencing the outcomes of elections.”

Rule 1.1 of the Arizona Code of Judicial Conduct requires a judge to “comply with the law, including the code of judicial conduct.”

Rule 1.2 of the Arizona Code of Judicial Conduct requires 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.”

The Arizona Code of Judicial Conduct, Canon 4, states a judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary. Specifically, Rule 4.1(A)(8) states “[a] judge or a judicial candidate shall not ... use court staff, facilities, or other court resources in a campaign for judicial office[.]”

Respectfully submitted,

Attached are screen grabs of Judge _____, showing links to an official government website, and a screen grab of the government website page.