

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-171

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace made inappropriate postings on a social media site which affected the judge's ability to be fair and impartial in the complainant's criminal case. The commission's investigation also revealed some potentially improper political activity during the judge's last 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. The commission approved sending the judge an advisory letter urging him to familiarize himself with Canon 4 of the Code of Judicial Conduct, particularly Rule 4.3(D). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Margaret H. Downie and Art Hinshaw did not participate in the consideration of this matter.

Dated: August 16, 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 August 16, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

**INSTRUCTIONS**

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

Judge \_\_\_\_\_ approved the probable cause in the above referenced matter and subsequently presided over my arraignment and scheduled the pre-trial hearings.

To date, Judge \_\_\_\_\_ has refused to recuse himself from the matter, or even hear the motion to recuse himself.

Judge \_\_\_\_\_ comments, utterances, writings, publications and actions have led to the appearance of improprieties, specifically in that I allege violations of:

Canon 1 of the Arizona Code of Judicial Conduct  
 Canon 2 of the Arizona Code of Judicial Conduct  
 Canon 3 of the Arizona Code of Judicial Conduct  
 Paragraph 1 of the Preamble to the Arizona Code of Judicial Conduct  
 Paragraph 2 of the Preamble to the Arizona Code of Judicial Conduct

**RULE 1.2**  
 Promoting Confidence in the Judiciary  
 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.  
 Comment  
 1. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge. By posting disparaging remarks on a Community Electronic Bulletin Board with regard to my lifestyle and those that I associate with, Judge \_\_\_\_\_ has violated this rule and has brought into question my ability to have a fair trial.  
 2. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms. By posting disparaging remarks on a Community Electronic Bulletin Board with regard to my lifestyle and those that I associate with, Judge \_\_\_\_\_ has violated this rule and has brought into question my ability to have a fair trial. By presiding over a matter in which the Judge has a financial interest, compromises the independence, integrity, and impartiality of a judge.  
 3. Actual improprieties include violations of law, court rules, or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely. By posting disparaging remarks on a Community Electronic Bulletin Board with regard to my lifestyle and those that I associate with, Judge \_\_\_\_\_ has violated this rule and has brought into question my ability to have a fair trial.  
 on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. An appearance of impropriety does not exist merely because a judge has previously rendered a decision on a similar issue, has a general opinion about a legal matter that relates to the case before him or her, or may have personal views that are not in harmony with the views or objectives of either party.  
 A judge's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

**RULE 1.3**  
 Avoiding Abuse of the Prestige of Judicial Office  
 A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so. By having a financial relationship with the alleged victim, his family members, and their business interests, Judge \_\_\_\_\_ has seemingly violated this rule

**RULE 2.2**  
 Impartiality and Fairness  
 A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. By making statements about my lifestyle and those that I associate with, by refusing to hear and/or consider my motion for recusal, Judge \_\_\_\_\_ has seemingly failed to uphold the law.

**RULE 2.3**  
 Bias, Prejudice, and Harassment  
 By posting disparaging comments with regard to my lifestyle and associations, by inciting and unduly influencing the General Public at large to confront the Mayor and Council of this wonderful community about me specifically, Judge \_\_\_\_\_ has by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon socioeconomic status, or political affiliation.

**RULE 2.4**  
 External Influences on Judicial Conduct  
 (A) A judge shall not be swayed by partisan interests, public clamor, or fear of criticism. Judge \_\_\_\_\_ by making disparaging comments about my lifestyle and associations has clearly demonstrated his position  
 (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. By having a business relationship, in which the Judge inures financial benefit, should be reason enough to recuse himself.

**RULE 2.6**  
 Ensuring the Right to Be Heard  
 (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. By refusing to hear my motion of recusal, Judge \_\_\_\_\_ has violated this rule.

**RULE 2.9**  
 Ex Parte Communication  
 By making comments about my lifestyle and associations it is seemingly apparent that the Judge has had Ex-Parte conversations about me with unknown persons

Please see the comments made by Judge \_\_\_\_\_

2016-171

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