

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-276

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace (now retired) improperly took funds belonging to another judge, treated her rudely and disrespectfully, and asked her to perform personal tasks for him.

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 that the judge engaged in improper demeanor in email communications with other judges and court staff. While this was improper under Rule 2.8(B), 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 reminding him of his obligations under Rule 2.8(B) to be “patient, dignified, and courteous” in communications with other judges and court staff. The commission found no evidence of ethical misconduct concerning the other allegations.

Commission members Peter J. Eckerstrom and Art Hinshaw did not participate in the consideration of this matter.

Dated: February 7, 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 February 7, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2016-276

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I have been a [redacted] working in [redacted] for more than [redacted] I am filing a complaint about Judge [redacted]. I am filing the complaint because I have been asked to do tasks which make me uncomfortable or are unethical. I am also filing a complaint because of the way in which I have been treated by Judge [redacted].

I have had problems dealing with Judge [redacted] for [redacted] I did not file a complaint because I was afraid to lose my job. I have a family to support. I am filing a complaint now because I just cannot tolerate Judge [redacted] behavior any further.

On [redacted], Judge [redacted] was very angry about the way the money from weddings was being split up among the judges. Judge [redacted] was out ill and Judge [redacted] and Judge [redacted] agreed to cover for him so he would not have to waive. (If a judge does not get wedding coverage and waives, their portion is split between the remaining judges that covered weddings that day). Judge [redacted] wanted me to give him [redacted] of Judge [redacted] money right then and there. I did not feel comfortable giving anyone money without direction from the other judges. I have never given money out without specific direction from the judges. I tried to put Judge [redacted] off and cal him down by explaining I would take care of the money on [redacted] Judge [redacted] became angrier and demanded I give him his money. He yelled terrible things to me and about me. He stated that he had been " [redacted] " and I " [redacted] " and I " [redacted] "

[redacted] I was very upset and tried to leave and go home. Judge [redacted] did not give up and came back and started yelling at me again.

Judge [redacted] was angry because [redacted] The " [redacted] " divide [redacted] It was Judge [redacted] turn to cover the request. As it turned it wasn't really a full request for an order-simply a [redacted] question. It did not merit such anger. Judge [redacted] however, let loose and yelled about all the things I had allegedly done to him. He [redacted] and that I [redacted]

When I tried to talk this out with him he stated that " [redacted] " and I should just ask " [redacted] " I was upset and crying and he said [redacted]

Judge [redacted] came back between [redacted]

On [redacted] the wedding count was [redacted]. I sent an email to Judge [redacted] letting him know about [redacted] Judge [redacted] had specifically instructed the [redacted] but I felt he should know [redacted] there were so he could plan accordingly. Judge [redacted] and [redacted] were in the room with me as I sent the email and I mentioned the [redacted] to them too. I was about to call Judge [redacted] because I was unsure he read his emails when he was away from the office.

Judge [redacted] called right before I had a chance to call him. He was livid. He demanded to know why we didn't [redacted]. I told him that he instructed the [redacted]. At that point, Judge [redacted] asked me to put the phone on speaker. It was then that Judge [redacted] said that he would [redacted] weddings and demanded that I [redacted] I could not do this- [redacted]

I explained this to Judge [redacted]

I simply did not have the Judge
 yelled at me to and said, " I tried to explain the
 situation to him. I could not reason with him. Judge then ordered me to
 . Ultimately, other judges . There were judges
 to do weddings.

Judge is fixated on the wedding income he earns. He has asked that I
 This occurred in

Judge hostility is evidenced in the attached email exchange.
 Judge was going to be gone on . He and
 arranged for a pro tem to cover his calendar. On , I sent an email
 asking him to

Judge added her information to the employees. Then, Judge
 emailed a nasty cutting statement about
 . Such a statement is very insuring. It is not helpful to solve workplace
 problems. The email does illustrate the tone and demeanor of Judge behavior.

Despite this hostility, Judge feels free to ask me to do personal tasks for him. In
 , he asked me to make a power point wedding save the date invitation
 during work hours. Another witnessed this. I could not say no or I
 would trigger yelling and hostile emails and anger.

All of Judge hostilities began in when he tried to get
 and me by said that
 she could not do this because we Judge
 said and the rest of the judges also found This did not go
 well with Judge