

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-065

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly inquired into his political party affiliation and engaged in improper demeanor. The investigation of the complaint by the commission also revealed issues with the judge's knowledge of the law in one area and prejudgment of the case.

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 determined the judge lacked knowledge of the law in one area in violation of Rule 1.1. Additionally, the judge made comments during the hearing which gave the impression he had prejudged the case in violation of Rule 2.2. Finally, the commission found that the judge used profanity on two occasions during the hearing in violation of Rule 2.8(B). While the judge's conduct was improper under the aforementioned rules, 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 to refrain from using profanity in the courtroom, as well as to refrain from making comments that give the appearance of pre-judging the case. The commission also encourages the judge to become aware of existing case law that allows legal aid and other law-related public interest organizations to be awarded attorney fees.

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

Commission member Art Hinshaw did not participate in the consideration of this matter.

Dated: August 22, 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 August 22, 2017.

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CONFIDENTIAL

Arizona Commission on Judicial Conduct
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FOR OFFICE USE ONLY

2017-065

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.

Questioning the moral/ethical/law grounds for a Judge to ask about the political party to which I belong during the hearing . It was taken ~~as~~ as a sarcastic or mocking type of question. However, more importantly, how that is/was related with the outcome of hearing by Judge at the located in on

Case

Proof material available from Audio Recorded by Court that day and recorded scripts.