

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-039

Judge:

Complainant:

ORDER

A justice of the peace self-reported a misuse of court resources for purposes of his re-election campaign, and an investigation revealed he had also improperly sought endorsement by a law enforcement association.

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 improperly used court resources, specifically his state computer, and improperly sought and obtained the endorsement of a law enforcement association in connection with his re-election campaign. While these actions were improper under Rules 1.2, 2.2, 2.10, 3.1(E), 4.1(A)(8) and 4.1(A)(9), as well as in violation of Formal Ethics Advisory Opinion 96-12, 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 refrain from using any court resources for political purposes, and to immediately remove the law enforcement association endorsement from his re-election website and any other campaign materials.

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

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: March 21, 2018

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on March 21, 2018.

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

SELF REPORT LTR

18-039

Commission Judicial Conduct
5001 West Washington St., Suite #229
Phoenix, AZ 85007

Dear Madam/Sir,

I regretfully need to inform you that I'm now aware that I have violated the Judicial Code of Conduct, Rule 4.1 (A) (8) which states:

(A) A judge or judicial candidate shall not do any of the following:

(8) use of court staff, facilities, or other court resources in a campaign for judicial office;

It is a fact that the Judicial Code of Conduct has been introduced to me on more than one occasion by the Judicial College and seminars I have taken. Due the fact it has been introduced to me I know that I have a duty obey the Judicial Code of Conduct and must be responsible and accountable for any rules that I might break.

I've always interpreted "resources" to be any costs that would be incurred by the court such as the use of paper, ink, envelopes, stamps etc. I have now discussed this definition with multiple judges and a AOC attorney and have been told very directly that by me using the state computer, even though it didn't cost the court anything, I have used the resources of the court for political purposes.

Previously in the past when I had questions regarding the application of the Judicial Code of Conduct regarding separate matters I have contacted and received direction. In retrospect I wish I had contacted regarding this issue but I never had questions about it, as I honestly did not feel I was using court "resources", due to the fact I was not costing the court any monies.

I have gone on line and looked up the definition of resource and each of the dictionaries has "money" in the definition.

Notwithstanding any of the above I now fully recognize that I interpreted "resources" incorrectly and thus violated the Judicial Code of Conduct.

The earliest e-mail regarding campaign activity is dated I sent out an e-mail to all the regarding preparing for the election. I forwarded the new forms to all of them. With the exception of one judge, all of them have served and thus have gone through numerous elections.

While it was not any of their responsibility, I am surprised that none of them advised me that by sending out such an email, I violated Rule 4.1 (A) (8).

Here in _____ we have a _____
There is a _____ I had a series of communication
with all these entities regarding being _____ and having political booths.

I have sought the endorsement from both the _____
and had a series of communication with them.

I have sent a series e-mails to myself regarding personal qualifications and personal endorsements.

Periodically I receive emails advising me that my storage capacity is almost full. My response is to delete emails which I feel I no longer need. As such I cannot attest to the fact that there are probably more emails stored on the AOC site from the years _____ for the above-mentioned _____

It distresses me greatly that I have made this error; however, honor and integrity demand that I must self-report the violation and be held accountable for the infraction.

I can commit to the Commission on Judicial Conduct that this will **never** happen again. I will follow whatever instructions the Commission on Judicial Conduct advises me to do and will accept any penalties the Commission on Judicial Conduct deems necessary.

Should penalties be imposed, I'm requesting that the Commission on Judicial Conduct take into account:

1. The learning curve has been very steep these last _____ for a person coming from a _____
2. The fact that I did not delete these emails in the past, right after they were written, validates that I never tried to hide anything.
3. The fact that I have previously sought council from _____ when I am not sure of the Judicial Code of Conduct Rules interpretations, corroborates I believe the Rules should be followed.
4. This is my _____ going through the process of re-election.

I stand at the direction of the Commission on Judicial Conduct and will be awaiting your reply.

Respectfully,