

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-081

Judges:

Complainants:¹

ORDER

The complainants alleged two justices of the peace tampered with witnesses and made an improper comment about a pending matter in connection with a disciplinary proceeding before this commission in 2011-2012.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges did not violate the Code. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

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¹ In addition to those named, the commission received thirty-five complaints that are identical to those listed above.

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

Commission members George H. Foster, Jr. and Art Hinshaw did not participate in the consideration of this matter.

Dated: May 10, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on May 10, 2018.

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

2018-081

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.

On or about _____ the State of Arizona Commission on Judicial Conduct began formal disciplinary proceedings against Judge _____. On/about _____ requested that the Judge be reassigned; this request subsequently lead to a motion by disciplinary counsel to amend and enhance charges on or about _____. Amended charges were filed on or about _____. On or about _____ disciplinary counsel entered into a stipulated agreement to a _____ to discipline the Judge. The stipulated agreement was entered by Judge _____ on _____ Sometime between _____ and _____ and _____ engaged in misconduct that lead to a notice of changed circumstances by disciplinary counsel again affecting the outcome. The misconduct was as follows: _____ and _____ intimidated and influenced witnesses in relationship with the Arizona Commission on Judicial Conduct proceedings in relationship to the pending case. This includes intimidating the judicial assistant _____ into making false testimony in front of the Commission on Judicial Conduct.

On or about _____ a formal request for records was served on the Custodian of Records to the _____ to deliver: Any and all Judge _____ and Judge _____ email deleted files, sent and received from _____ through _____ in electronic format CD or electronic file. On or about _____ under the direction of Judges _____ and _____ denied the information request, and claimed the request was a violation of Arizona Supreme Court Rule 123. A subsequent more narrow request was issued for production of the following: _____ and any emails dating from _____ to _____ from the county computer accounts of _____ Judge _____ and Judge _____, asking for public information only, unrelated to any court information. On or about _____ sent another reply that denied the records request submitted, and claimed that _____ County did not maintain _____ was not the records custodian for _____ emails, and that the other portions of the request were in violation of Arizona Supreme Court Rule 123. To the extent that any emails from Judges _____ and _____ were available, only to inspect them on a county computer. No further correspondence was received from _____

On or about _____ it was learned that these individuals listed in the public information request from _____ and others not listed in the Public Information request had induced other persons to sign an Amicus Brief in order to influence the Commission on Judicial Conduct to increase the sanction and influence the outcome of a case. The Amicus Brief, drafted by _____ and _____, submitted to the Commission contained several false, misleading, and inaccurate statements. During the recent course of litigation in _____ against _____ and _____, the _____ acknowledged drafting the above referenced Amicus Brief. _____ and _____ knew or should have known the statements contained in the Amicus Brief were false. During the course of the Commission's investigation, _____ wrote a letter to the _____ of _____ without investigation or evidence, that suggested the Judge under commission investigation was a threat to other persons and that the Judge should be transferred to another court. Furthermore, _____ filed additional claims with the Commission on Judicial Conduct that claimed the judge currently _____

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under investigation with the commission performed incorrect jail arrangements, although the same Judge was mentored by _____ and performed in the manner instructed by _____

_____ and _____ both violated Arizona Code of Judicial Conduct Rule 2.10(A) by making public statements designed to affect the commission's investigation. "

_____ " Both _____ and _____ made false public statements, whether to third parties, or to the media in an attempt to influence how the _____ ultimately decided the outcome on a ruling.