

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-328

Judge: Laura Gillis
Complainant: Self-Report

ORDER

A pro tem superior court judge self-reported criminal conduct.

Laura Gillis is a practicing attorney and served as a pro tem judge for a superior court. In a family law matter, Ms. Gillis represented an individual subject to an order of protection that prohibited third-party contact. Law enforcement investigated Ms. Gillis' client for an alleged violation of the order of protection with respect to a phone call to the opposing party's real estate agent. The client advised law enforcement the phone call was a three-way call with Ms. Gillis on the line. When initially questioned by law enforcement, Ms. Gillis stated she was on the call, but that was a false statement. Shortly thereafter, Ms. Gillis notified the officer of her untruthful statement. She also promptly reported her conduct to the Commission, as well as the State Bar of Arizona. Ultimately, Ms. Gillis was charged with providing false information to law enforcement. After successfully completing a diversion program, the criminal charges against Ms. Gillis were dismissed. Ms. Gillis stated she acted out of instinct to protect her client. The State Bar of Arizona issued a public reprimand to Ms. Gillis for her conduct.

Ms. Gillis is considered a Part D judge under the Code, and as such, she is not required to comply with certain provisions of the Code at any time, and only required to comply with certain other provisions of the Code while serving as a judge. This conduct did not occur in her capacity as a pro tem judge, but rather as an attorney. However, judges are required to hold themselves to a higher standard, which includes complying with the law at all times. Ms. Gillis' conduct violated Rule 1.1 of the Code, which states, "a judge shall comply with the law, including the Code of Judicial Conduct."

Accordingly, Pro Tem Judge Laura Gillis is hereby publicly reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the self-report and this order shall be made public as required by Commission Rule 9(a).

Commission member Christopher P. Staring did not participate in the consideration of this matter.

Dated: January 31, 2020

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on January 31, 2020.

KIMERER & DERRICK
LAWYERS
A PROFESSIONAL CORPORATION

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October 12, 2018

Self-Report Ltr

2018-328

OCT 15 2018

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

Re: Laura Gillis, Arizona State Bar No. 020823

Dear Bar Counsel and Judicial Commission,

We are writing on behalf of Laura Gillis. Ms. Gillis wishes to self-report a violation of the Arizona Rules of Professional Conduct in connection with a misdemeanor complaint filed against her on August 6, 2018. Ms. Gillis is a practicing attorney and a judge *pro tempore* for the Maricopa County Superior Court. She has no prior disciplinary history.

Ms. Gillis was retained to represent Dustin Bouwhuis in a family matter involving a divorce action. Dustin became the subject of an investigation by the Gilbert Police Department for a possible violation of an order of protection. Derek Hogan was the investigating officer. Specifically, Officer Hogan was investigating a claim by Mr. Bouwhuis' wife that he violated the order of protection by contacting her real estate agent directly about the sale of a house. Officer Hogan spoke with Dustin Bouwhuis who said Ms. Gillis participated in a three-way call with the real estate agent and himself during the call in question. Mr. Bouwhuis was untruthful with the officer when he stated Ms. Gillis was on his call with the real estate agent. Dustin provided Officer Hogan with Ms. Gillis' contact information to confirm his version of the telephone call.

At approximately 3:00 p.m. on February 14, 2018, Ms. Gillis was unexpectedly contacted by Officer Hogan. During that telephone call, Ms. Gillis inaccurately stated to the officer that she had been on the call with the real estate agent. Ms. Gillis was dealing with a personal issue at the time and acted out of reflexive instinct to protect her client and without thinking through the situation. Immediately after hanging up the telephone, Ms. Gillis realized that she had just made an untruthful statement to the officer and she wanted to immediately correct the record. Ms. Gillis was literally sick over her conduct.

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Ms. Gillis retained undersigned counsel first thing the next morning so she could correct the error with Officer Hogan. On February 15, 2018, our office contacted Officer Hogan to report that Ms. Gillis needed to speak to him and correct the information about the telephone call with the real estate agent. A three-way call was scheduled that day among Officer Hogan, Ms. Gillis, and undersigned counsel. Ms. Gillis truthfully told the officer that she was not on the call with her client and was unaware that he was planning to call the real estate agent. Officer Hogan notes in the report that Ms. Gillis was very upset at herself for making the untruthful statement.

Officer Hogan thanked Ms. Gillis for her honesty in contacting him to clear up the misstatement, knowing it could lead to potential criminal charges. Had it not been for Ms. Gillis's self-report to Officer Hogan, the matter would have been closed and no further action would have been taken by Officer Hogan. Although Officer Hogan had originally closed the file and his investigation into the alleged order of protection violation without seeking charges, the case was reopened after Ms. Gillis's voluntary self-report.

Officer Hogan recommended that charges be filed against Mr. Bouwhuis for violating the court order and for making a false statement to law enforcement. In addition, Officer Hogan requested that a charge of false reporting to law enforcement be filed against Ms. Gillis based upon her admission that she was initially untruthful with him. On August 6, 2018, the Gilbert Prosecutor's Office filed a complaint alleging one count of false information, a class 1 misdemeanor offense. Ms. Gillis was served with the complaint on September 10, 2018.

Ms. Gillis is crestfallen over this situation and acknowledges she had a major lapse in judgment. She never intended to make a false statement to the law enforcement officer or to impede the investigation of her client. Rather, she acted instinctually and without first consulting her case file. Ms. Gillis immediately withdrew as counsel of record for Mr. Bouwhuis and continues to be beside herself over her conduct.

There are a number of mitigating factors. Most importantly, Ms. Gillis immediately and without any delay took action to correct the record and ensure that the correct information was given to the officer. She recognized her mistake and took remedial measures to mitigate the damage it might bring. She also recognized the conflict that arose with her client after he made the false statement to Officer Hogan and immediately withdrew from representation. She has been diligently working with counsel and has offered to cooperate however necessary in the investigation. Counsel provided this mitigating information to the Gilbert City Prosecutor's Office in the hope that it would not charge her criminally. The decision was made, however, to proceed with criminal charges. She is cooperating fully in the prosecution. Her first court appearance is now scheduled for October 25, 2018.

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If the State Bar or Judicial Commission would like copies of the charging document, police reports, and other information, please let us know. Ms. Gillis fully acknowledges the error and assumes complete responsibility for her mistake. We are hopeful diversion is an appropriate remedy in the event that the State Bar and/or Judicial Commission determine a violation occurred. Again, Ms. Gillis wishes to fully cooperate and provide any additional information you may request.

Sincerely yours,

KIMERER & DERRICK, P.C.



Rhonda Elaine Neff

cc: Laura Gillis