

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-329

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace was responsible for an inaccurate, misleading and inappropriate campaign webpage.

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 no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Still, the Commission approved sending the judge a private advisory letter reminding him to be mindful of how the public may perceive his campaign material and to consider his ongoing duty to maintain the dignity and integrity of the court. The Complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 29, 2019

FOR THE COMMISSION

/s/ Diane M. Johnsen

Hon. Diane M. Johnsen
Commission Vice-Chair

Copies of this order were distributed to all appropriate persons on March 29, 2019.

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

2018-329

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.

Justice of the Peace _____ is running for _____ in Judicial Precinct _____
opponent _____ Judge _____ is the _____
and the _____ as documented by the _____
_____ which has the _____ ID Number _____
is enclosed as attachment A and consists of _____ pages.

The _____ has a website called _____ Documentation of that
ownership is provided in attachment B.

_____ page of _____ shows a menu of options for further information. One of these
options is entitled " _____ " This is documented as attachment C, and is the option
with _____ The words below that heading include the _____ "
_____ " The " _____ " refers to the _____ received from the _____
referred to in the _____ , or the _____ in the other
options.

While the facts of the _____ have nothing to do with _____ I take greater issue with the fact
that Judge _____ advises the public that _____ " It is clear that our system of criminal
justice and our system for adjusting judicial conduct have moved well away from
For Judge _____ who totally _____ to suggest that
_____ misogynistic, demeaning, completely oblivious of the facts of the case, and
inappropriate. It also disparages the work of the Commission on Judicial Conduct.

Under Rule 4.2(3) Judge _____ is responsible for reviewing and approving the content of all campaign
statements for _____ efforts. I believe that in advising the public that the Supreme Court and/or
the Commission on Judicial Conduct " _____ that _____ is not acting in a manner consistent
with the integrity of the judiciary in violation of Rule 4.2(1). In addition _____ seems to be in violation of Rule
4.3(A) insofar as _____ distributing information about _____ which would be deceiving and
misleading to a reasonable person. _____ also seems to be in violation of Rule 4.3(I) as the statement that
_____ is a misleading statement about _____ personal background and
history.

CONFIDENTIAL

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

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

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Judge _____ was _____ to the position of Justice of the Peace,
" _____ At that time _____ campaign literature documented that
" _____ . That literature is included as attachment D.
Judge _____ current campaign literature states that " _____ "
is included as attachment E. The fact is that Judge _____ has a total of approximately
having been _____ , and _____ until the
present.

Rule 4.3(A) states that a candidate for judicial office shall not publish information that would be misleading to a reasonable person. Judge _____ publication stating that _____ is a fiction, and appears to be in violation of Rule 4.3(A). Also that fiction appears to be in violation of Rule 4.3 (F) as misrepresenting the facts about the judicial candidate.

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The current campaign literature (attachment D) from Judge _____ states that _____
" _____"
The image that Judge _____ portrays is a _____, with a
of a _____

While Judge _____ may certainly publish a _____ of _____, yet _____ appears to be violative of
Rule 4.3(A) by stating that " _____"
The campaign literature from Judge _____ stating that _____ is a complete
fiction, emphasized by _____ and is misleading to a reasonable person. The fact is that US citizens
may register to vote with any or no _____ and there are no restrictions in place on how many
times an individual _____



COMPLAINT AGAINST A JUDGE

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In a _____ sent by the _____ of which Judge _____ there is a statement that _____ was " _____ " This is Attachment F. It further states that _____

In _____ most recent disciplinary action which is _____ it was pointed out that _____ had prior actions and _____ made a total of _____ That is _____ than the _____ actions erroneously referred to in Judge _____ Judge _____ statements would be deceiving and misleading to a reasonable person, and as such appear to be in violation of Rule 4.2(1) and 4.3(A).

_____ other items of concern with this _____ are that in the _____ bullet points in _____ case, namely: _____ is noted _____ which would mislead a reasonable person who did not carefully review _____ In addition, _____ is _____ in the Archives of the Commission, was not referred to in the list of _____ by the Commission, and may not be factually correct. The last item of concern pertains to case _____ referred to by Judge _____ in which _____ made a clear legal error in disregarding the law. That case is included in the Archives but the names are redacted, and the judge and complainant are not named. If Judge _____ was privy to restricted information, it would appear to be a violation of judicial conduct for _____ to reveal that information. And if the case is not about _____ then it would be another violation of Rule 4.3(A).

It might be of interest to the Commission that of the _____ listed above from Judge _____ campaign advertisement, _____ personally brought _____ of them before the commission, namely _____ and the _____ references to _____ If Judge _____ were _____ in _____ which would allow _____ to refer to this decision, that would make _____ The statement on _____ of the decision which is " _____ " should prevent Judge _____ from _____ in the eyes of the voters. But _____ campaign, which is built upon _____ disqualification is based upon _____ to the Commission. If there is a Rule which states that the commission's orders may not be used as a basis to disqualify a judge, then Judge _____ has clearly broken that Rule.