

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-355

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Judge:

Complainant:

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**ORDER**

November 17, 2020

The Complainant alleged a justice of the peace retaliated against her.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 17, 2020.

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

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_

Judge's Name: \_\_\_\_\_

My name is \_\_\_\_\_ and I have been working for \_\_\_\_\_ County for the past \_\_\_\_\_ as a \_\_\_\_\_. During this time, I have worked for several different Judges and have always been commended on my professionalism and ability to assist the Judges while maintaining the employees and daily court operations. I also was recognized for helping several different courts in \_\_\_\_\_ County with their workloads during employee shortages. My job performance up to this point has been effective and productive. I have had successful working relationships with all Judges I have worked with until Judge \_\_\_\_\_ took office in \_\_\_\_\_. Since Judge \_\_\_\_\_ took office there have been numerous complaints made to me from employees and the public about Judge \_\_\_\_\_. When necessary I passed this information on to Court Administration and HR- as was policy. For \_\_\_\_\_ years, I worked with HR, Court Administration and Judge \_\_\_\_\_ in reference to these concerns and worked to solve problems and situations.

On \_\_\_\_\_ Judge \_\_\_\_\_ informed me that he was going to terminate me because \_\_\_\_\_ At that time, I told him I was going to report his intentions to Human Resources. Because of this, Judge \_\_\_\_\_ then began to openly retaliate with a series of adverse actions against me. Judge \_\_\_\_\_ has misrepresented facts about me, and himself, to gain sympathy in his campaign and has been less than truthful with Court Officials, County Employees, Law Enforcement, the Public and the Commission on Judicial Conduct. Judge \_\_\_\_\_ continues to show bias against me solely because of \_\_\_\_\_. He has caused court staff, court officials and others to take adverse actions against me when he privately and publicly accused me of wrong doing but denied me the relief or opportunity to grieve his accusations. On \_\_\_\_\_ I was given the \_\_\_\_\_ County Superior Court Policy on Prohibiting Discrimination and Harassment and an acknowledgment document to sign. I am submitting this complaint because Judge \_\_\_\_\_ has violated the following Judicial Cannons:

- (1) **RULE 2.3 Bias, Prejudice, and Harassment;**
- (2) **RULE 2.16 Cooperation with Disciplinary Authorities;**
- (3) **RULE 2.4. External Influences on Judicial Conduct**

**(1) RULE 2.3 Bias, Prejudice, and Harassment**

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

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**Chronology**

On \_\_\_\_\_ I printed a blank form from off the \_\_\_\_\_ County website for informational purposes and left it on the county printer. When I returned to work at around \_\_\_\_\_ I gave \_\_\_\_\_ \$ \_\_\_\_\_ to pay for the copies. Judge \_\_\_\_\_ asked me if I \_\_\_\_\_ I replied that I did not, but \_\_\_\_\_ I asked \_\_\_\_\_ As I left his office, he called me back and gave me a hug and told me he hoped he could be good. I asked \_\_\_\_\_ from \_\_\_\_\_ County Judicial HR if there would be any problems or rules against \_\_\_\_\_ I told her that Judge \_\_\_\_\_ was already aware of the possibility, but if there was any chance that it would affect my job \_\_\_\_\_ said she was not aware of anything but would check with Judge \_\_\_\_\_ to make sure. \_\_\_\_\_ went to Judge \_\_\_\_\_

On \_\_\_\_\_ called me back and told me that Judge \_\_\_\_\_ advised that there are rules against \_\_\_\_\_ but that there are no restrictions or rules against \_\_\_\_\_ I again told her that \_\_\_\_\_ because I wanted to make sure my job would be secure.

On \_\_\_\_\_ County \_\_\_\_\_ for the office of \_\_\_\_\_ Because of \_\_\_\_\_ Judge \_\_\_\_\_ immediately began to bully and harass me personally, professionally and publicly. (See several examples- Exhibit \_\_\_\_\_ Timeline page \_\_\_\_\_)

On \_\_\_\_\_ Judge \_\_\_\_\_ told me I was disgusting and disrespectful for allowing \_\_\_\_\_ and that all the Judges he has talked to could not believe how disrespectful and disgusting my actions were. He repeatedly told me it was just a matter of time until he found something, he could terminate me for, he repeated the steps he would take \_\_\_\_\_ to me. He told me that if I had " \_\_\_\_\_ " with him, I would not have done this, and he did not understand why I had \_\_\_\_\_ (See Exhibit \_\_\_\_\_ Timeline pg. \_\_\_\_\_ He also said he did not understand how I could support \_\_\_\_\_ over him. I told him based upon his comments to me I was going to leave for the day and report to \_\_\_\_\_ County Judicial HR his intent to fire me and left for away.

Judge \_\_\_\_\_ contacted Court Administration prior to my arrival to HR in \_\_\_\_\_ When I arrived, the \_\_\_\_\_ Court Administrator told me that \_\_\_\_\_ was not available, and that the Court Administrator wanted to talk to me. \_\_\_\_\_ and \_\_\_\_\_ listened to my complaint. I was told that Judge \_\_\_\_\_ who was not present, said I was to take \_\_\_\_\_ off and I

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was not allowed to go to the \_\_\_\_\_ for \_\_\_\_\_ at which time Court Administration and HR would meet with me. I asked if I was being terminated or in trouble. They told me no. I asked why it felt that way then. They said they were working on something, but they were not at liberty to tell me yet.

On \_\_\_\_\_ I was given an offer. The offer was that \_\_\_\_\_

\_\_\_\_\_ would come to \_\_\_\_\_ as \_\_\_\_\_ and I would go to \_\_\_\_\_ [See Offer -Exhibit \_\_\_\_]. However, she could return at any time and there were no guarantees that the county would have a position for me at that time. I declined the offer as my job position and merit rights were not protected. I was told to think about it and if I could come up with any other ideas to let them know. I told them I had talked to Judge \_\_\_\_\_ about moving my office \_\_\_\_\_ while waiting for the \_\_\_\_\_ position to open and that way I could continue to train \_\_\_\_\_ and be available for questions.

On \_\_\_\_\_ I called \_\_\_\_\_ and got her answering machine and told her I did not want to sign the transfer agreement as it was giving up my merit protection and I did not believe that \_\_\_\_\_ would stay more than \_\_\_\_\_ and then I would not have a job.

On \_\_\_\_\_ and \_\_\_\_\_ came to \_\_\_\_\_ to notify me that Judge \_\_\_\_\_ was involuntarily transferring me from my position. I asked why this was happening and was told I was only being transferred due to the conflict between myself and Judge \_\_\_\_\_. I asked why Judge \_\_\_\_\_ didn't want to talk to me, why he would not listen to my side and was told by \_\_\_\_\_ that they did not know why. I asked if I could just speak with Judge \_\_\_\_\_ before being removed as he had told \_\_\_\_\_ that my idea of changing my office to an \_\_\_\_\_ would be acceptable to him, but I was told by \_\_\_\_\_ that Judge \_\_\_\_\_ was very adamant that I be removed. I asked what would happen if I did not sign the transfer notice until after I had a chance to talk to Judge \_\_\_\_\_ and was told I would be forcibly removed. Additional security ( \_\_\_\_\_ ) was in the lobby at that time. I then signed the notice (See Memorandum-Exhibit: \_\_\_\_\_) and was given until \_\_\_\_\_ to clear my office, turn in my keys to court security and was told not to return to \_\_\_\_\_

On \_\_\_\_\_ I reported to \_\_\_\_\_ with \_\_\_\_\_ and Judge \_\_\_\_\_ as my supervisors.

On \_\_\_\_\_ I received a phone call from \_\_\_\_\_ a former \_\_\_\_\_ who advised me that Judge \_\_\_\_\_ had called her and told her that I had had been sent to \_\_\_\_\_ because I used the county printer for \_\_\_\_\_ and he had called Judge \_\_\_\_\_ the \_\_\_\_\_ Judge who had agreed to protect him and look into the situation. (See Statement from \_\_\_\_\_ -Exhibit \_\_\_\_\_)

**Judge \_\_\_\_\_ began a series of openly adverse actions against me on \_\_\_\_\_ around \_\_\_\_\_ because I told him I was reporting his conduct and intent to terminate me to HR.**

**Adverse Actions:**

**1. I was Involuntarily transferred** from my \_\_\_\_\_ position of \_\_\_\_\_ (See Memorandum -Exhibit \_\_\_\_\_ and email \_\_\_\_\_)

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**2. My job duties and location of employment were changed.** (See Memorandum Exhibit & email )

**3. I was denied the opportunity to attend training / professional development classes**  
I was denied Training that had previously been approved. On \_\_\_\_\_ I spoke with Judge \_\_\_\_\_ about sending me to the \_\_\_\_\_ Training that was being offered. He agreed to send me. On \_\_\_\_\_ during a Judge's Quarterly meeting he brought up the subject of possibly sending a second person to the training. He was told he could send two if it was paid for from \_\_\_\_\_ On \_\_\_\_\_ after I had left for HR, he sent an email telling HR that he was not going to send me and that he would be sending \_\_\_\_\_ although he had not informed me of that yet. (see emails- Exhibit \_\_\_\_\_ & email- \_\_\_\_\_)

I was denied local training and attendance to \_\_\_\_\_ meetings for current updates to my position. I was told that if a 3<sup>rd</sup> party \_\_\_\_\_ I would return to my Primary Position – \_\_\_\_\_ However, on \_\_\_\_\_ there was a \_\_\_\_\_ meeting held at the \_\_\_\_\_ Court that I was not allowed to attend even though at that point I still held the position of \_\_\_\_\_

**4. I was denied the benefit of a county vehicle or mileage reimbursement** to my transferred destination even though my replacement, \_\_\_\_\_ was given that benefit. (See Offer-Exhibit \_\_\_\_\_ & Status Email – Exhibit \_\_\_\_\_)

**5. Negative Referral-** On \_\_\_\_\_, I applied and interviewed for an open \_\_\_\_\_ position in \_\_\_\_\_ (See Announcement- Exhibit \_\_\_\_\_ & Application-Exhibit \_\_\_\_\_). On \_\_\_\_\_ Judge \_\_\_\_\_ the \_\_\_\_\_ called me at \_\_\_\_\_ court and told me he had given the job to someone else. When I asked if he could tell me why I had not been chosen I was assured that I had not done anything wrong and was obviously much more mature and knowledgeable, but that I was "\_\_\_\_\_" . \_\_\_\_\_ told me later that day that Judge \_\_\_\_\_ and Judge \_\_\_\_\_ had been talking frequently before the interview date. (See Timeline-Exhibit \_\_\_\_\_ pg. \_\_\_\_\_)

**6. I have had my duties and responsibilities reduced -subverting the Judicial Merit Rules.** On \_\_\_\_\_ I was told by \_\_\_\_\_ the \_\_\_\_\_ from Court Administration that \_\_\_\_\_ was leaving \_\_\_\_\_ and returning to \_\_\_\_\_ and Court Administration felt no Judge would be willing to take me and I should just find another job outside the County. \_\_\_\_\_ a part time employee at \_\_\_\_\_ told me that \_\_\_\_\_ was returning and hoped I wouldn't get sent to an even farther distance away. \_\_\_\_\_ I asked \_\_\_\_\_ about this and she said she had not heard anything. On \_\_\_\_\_ informed me that \_\_\_\_\_ was returning as of \_\_\_\_\_ Judge \_\_\_\_\_ and \_\_\_\_\_ assured me that I would be given responsibilities equal to my experience. On \_\_\_\_\_ advised me and my current supervisor that I was not to be given any supervisory responsibilities or accesses and had me turn over my company credit card (See CC Form -Exhibit \_\_\_\_\_). When I was transferred, I had been told I would keep my title but on \_\_\_\_\_ when \_\_\_\_\_ returned to her position, my position was changed to \_\_\_\_\_ to "\_\_\_\_\_" . (See email- \_\_\_\_\_)

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Exhibit & PAF -Exhibit assigned me the responsibility of sending out

Several opportunities in the county have become available where the county could have utilized my knowledge and skills, but I continue to have basic duties assigned to me.

**7. Discredited Professionally.**

In \_\_\_\_\_ and \_\_\_\_\_ I asked \_\_\_\_\_ Court Administration several times what I was being accused of because I had been told by \_\_\_\_\_ and later \_\_\_\_\_ that statements were being made by Judge \_\_\_\_\_ and \_\_\_\_\_ that I had been removed for unethical activity and the \_\_\_\_\_ court had been mismanaged. I was told by \_\_\_\_\_

“ \_\_\_\_\_ Judge \_\_\_\_\_”  
In \_\_\_\_\_ from the \_\_\_\_\_ County Jail advised \_\_\_\_\_ that I had been removed for unethical behavior. In \_\_\_\_\_ told \_\_\_\_\_ the \_\_\_\_\_ Court Manager that I had been unethical.

**February 2018 Judge \_\_\_\_\_ put in a complaint to Judge \_\_\_\_\_**

Back ground:

On \_\_\_\_\_ Judge \_\_\_\_\_ called me into his office with \_\_\_\_\_ and \_\_\_\_\_ informed me that Judge \_\_\_\_\_ and Court Admin had notified him I was to report to \_\_\_\_\_ for \_\_\_\_\_ per week and wanted to know if I was aware of it. I said no and had concerns about this as Judge \_\_\_\_\_ had stated he would fire me when he could. Judge \_\_\_\_\_ said he would not listen to any unjustified complaints from Judge \_\_\_\_\_ called me later in the afternoon the next day and told me that Judge \_\_\_\_\_ had directed her to call me and make sure I knew that she was my superior and that I answered directly to her. I went on vacation but was called several times by \_\_\_\_\_ asking court related questions which I answered (See email -Exhibit \_\_\_\_\_). On \_\_\_\_\_ I left a message for Judge \_\_\_\_\_ to call me ref what was happening with my position and where I was to report. On \_\_\_\_\_ and \_\_\_\_\_ called me back and told me I was no longer required to report to \_\_\_\_\_ that I was strictly funded by \_\_\_\_\_ I was also told that Judge \_\_\_\_\_ was requesting me to go help with the \_\_\_\_\_ I agreed to this but was advised by \_\_\_\_\_ -IR that it might not be a good idea and I was not required to. I told her I wanted to be a team player and had no problem helping \_\_\_\_\_ but if they felt it was not a good idea I would choose not to go and just be available by phone. \_\_\_\_\_ did call me during the \_\_\_\_\_ and I did help her (See email -Exhibit \_\_\_\_\_).

In \_\_\_\_\_ Judge \_\_\_\_\_ put in a complaint to Judge \_\_\_\_\_ that I had been rude to \_\_\_\_\_ and refused to help her with Budget issues and that this was not the first time it had happened. I was called into Judge \_\_\_\_\_ office to explain. Judge \_\_\_\_\_ asked if I had told that Judge \_\_\_\_\_ would have to get permission from Judge \_\_\_\_\_ to be able to help her. I admitted that I had told her that but that I had not been rude in any way. I explained that I had simply told \_\_\_\_\_ because it would take considerable time, if she needed my help Judge \_\_\_\_\_ would have to approve the request because I was under a time restraint myself. I explained to Judge \_\_\_\_\_ I felt I was respecting him as my time is funded by \_\_\_\_\_ and he is my supervisor. I reminded him that I had

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**