

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-363

Judge:

Complainant:

ORDER

The complainant alleged that a justice of the peace engaged in improper campaign activity.

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 endorsed and actively participated in another judicial candidate's campaign and published campaign materials that improperly implied she already held the office of justice of the peace. While this was improper under Rules 1.2, 4.1(A)(3), 4.1(A)(5), 4.3(C), and 4.3(D), 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 conform her political conduct to the Code in the future.

Commission member Roger D. Barton did not participate in the consideration of this matter.

Dated: February 1, 2019

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on February 1, 2019.

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

2018-363

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.

Dear Arizona Commission on Judicial Conduct:

Please find attached the Complaint, a letter dated _____ and Exhibits _____ (in PDF format). Please note, the Exhibits, starting with _____ will be emailed to cjc@courts.az.gov in groups of _____ to ensure the are transmitted

Sincerely,

CONFIDENTIAL

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

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N/A

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
cjc@courts.az.gov

Re:
Candidate for

Dear Arizona Commission on Judicial Conduct:

I write to inform your committee of the following allegations towards _____ in violation of Arizona Code of Judicial Conduct, Canon 4 (<http://www.azcourts.gov/portals/137/rules/Arizona%20Code%20of%20Judicial%20Conduct.pdf>). As your Commission is aware, "A judge or candidate for judicial office SHALL NOT ENGAGE in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary." The following allegations are towards _____ who is a _____ " _____ ' Please see Exhibit _____ which will show " _____ Statement of Organization, filed on _____ for _____ for _____ Justice of the Peace with the _____ Elections Department. Exhibits _____ will show an amended Statement of Organization from _____ " _____ ' to " _____ ' filed on _____ for _____ " _____ ' with _____ the _____ Elections Department.

Per Arizona Code of Judicial Conduct, Canon 4, Paragraph (A) (9), it is a prohibition for a judicial candidate from "[M]aking comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter."

**Allegation One: Violation of Rule 4.1 (A) (3)
Political and Campaign Activities of Judges and Judicial Candidates
in General. Publicly endorse or oppose another candidate for any public office.**

Please see Exhibit [redacted] which will show “ [redacted] ”
Statement of Organization, filed [redacted] for [redacted]
 (“ [redacted] ”) for “ [redacted] ’ with the [redacted] Elections
Department. Exhibit [redacted] through Exhibit [redacted] will show an event (“ [redacted] ”)
cohosted by [redacted] on [redacted] at [redacted]
[redacted] in [redacted] Exhibit [redacted] will show [redacted] public statement in
support and endorsement of the [redacted] Event
and [redacted] Exhibit [redacted] will show and confirm that both committees, Committee To
Elect [redacted] and Committee to Elect [redacted]
Event.

Allegation Three: Violation of Rule 4.1 (A) (5)

Political and Campaign Activities of Judges and Judicial Candidates in General.
Actively take part in any political campaign other than his or her own campaign for
election, reelection or retention in office.

Exhibits [redacted] through Exhibit [redacted] will show that [redacted] actively took part in the
political campaign other than her own campaign “ [redacted] ”
[redacted] for Justice of the Peace - [redacted] Exhibit [redacted] will show an event on or
about [redacted] hat [redacted] actively participated

Allegation Four: Violation of Rule 4.1 (A) (9)

Political and Campaign Activities of Judges and Judicial Candidates in General.
Make any statement that would reasonably be expected to affect the outcome or
impair the fairness of a matter pending or impending in any court.

Exhibit [redacted] will show that on [redacted] the committee, “ [redacted] ” (prior
to amendment) filed a [redacted] Report regarding Campaign Finance with the
[redacted] Elections Department that states a material issue of \$ [redacted]
[redacted] in an overstatement of candidates personal monies that would reasonably be
expected to a reasonable person to affect the outcome or impair the fairness of a
matter pending or impending in any court within [redacted] or the State of
Arizona.

Allegation Six: Violation of Rule 4.3 (A)

and

Violation of Rule 4.3 (C)

Campaign Standards and Communications

Post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person.

and

Use the title of an office not currently held by a judicial candidate in a manner that implies that the judicial candidate currently holds that office

Exhibit and Exhibit will show the marketing materials printed on or about from used as “ during campaign indicate that is the Justice of the Peace. The words “for” or “elect” are omitted. Please see Exhibit for Report regarding Disbursements for Operating Expenses under Schedule B1. Exhibit will show circulated printing materials (as shown in Exhibit and Exhibit) that would lead a reasonable person to be deceived or misled that was the Justice of the Peace. Exhibit shows the logo of and the that is deceiving to a reasonable person. Exhibit shows the business cards of and the Committee To Elect where the would be deceiving and misleading to a reasonable person to believe is the

Allegation Six: Violation of Rule 4.3 (A)

Campaign Standards and Communications

Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a judicial candidate, or the candidate’s employment history and descriptions of work-related titles or positions.

Exhibit and Exhibit provide some of Experience and Past Membership experiences. Both Exhibits will show that “ ” is a false and misleading statement concerning the professional and occupation currently held by Because the position “ ’ is not distinguished under “ ’ as other professional experiences are listed a reasonable person would believe that for Justice Courts which is prohibited while running for Justice of the Peace.

**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.**