

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-364

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Judge:

Complainant:

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**ORDER**

An anonymous complainant alleged a justice of the peace committed various campaign violations.

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. The Commission approved sending the judge an advisory letter reminding him of his obligations under Rules 1.2 and 4.3 of the Code, and to ensure all future campaign materials comply with the Code. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Denise K. Aguilar, Gus Aragón, Louis Frank Dominguez and George H. Foster, Jr., 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.*

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2018-364

**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.

See attached letter and documents.

TO THE ARIZONA COMMISSION ON JUDICIAL CONDUCT -

Anonymous complaint against

\_\_\_\_\_ is currently the \_\_\_\_\_ . While  
serving as \_\_\_\_\_ he \_\_\_\_\_

During the course of his campaign \_\_\_\_\_ I believe \_\_\_\_\_ violated portions of Canon 4 of the  
Arizona Code of Judicial Conduct.

His website was/is entitled \_\_\_\_\_ and his \_\_\_\_\_ was entitled \_\_\_\_\_  
\_\_\_\_\_ appears to have been taken down.

*Rule 4.1 Political and Campaign Activities of Judges & Judicial Candidates in General*

*(A) A judge or judicial candidate shall not do any of the following:*

*(1) Act as a leader in, or hold an office in, a political organization*

**\_\_\_\_\_ campaign web-site \_\_\_\_\_ stated he is:**

“

**A copy of the web page is attached. (Attachment A)**

**\_\_\_\_\_ public statements regarding his \_\_\_\_\_ in political organizations  
appear to be a violation of Rule 4.1(A)(1).**

*Rule 4.1 Political and Campaign Activities of Judges & Judicial Candidates in General*

*(A) A judge or judicial candidate shall not do any of the following:*

*(3) Publicly endorse or oppose another candidate for any public office;*

*(5) actively take part in any political campaign other than his or her own campaign for election,  
reelection or retention in office;*

**\_\_\_\_\_ campaign \_\_\_\_\_ contained a \_\_\_\_\_ by \_\_\_\_\_  
and other posts of \_\_\_\_\_**

**A copy of the \_\_\_\_\_ are attached. (Attachment B)**

**\_\_\_\_\_ campaign signs that were posted along the highways in the precinct included  
multiple signs that said “ \_\_\_\_\_ ,”**

**A photo of one of the signs is attached. (Attachment C)**

**Although I am not sure if \_\_\_\_\_ is inappropriate,  
\_\_\_\_\_ signs and \_\_\_\_\_ made it appear as though he was endorsing \_\_\_\_\_**

*Rule 4.1 Political and Campaign Activities of Judges & Judicial Candidates in General*

*(A) A judge or judicial candidate shall not do any of the following:*

- (9) *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; or*
- (10) *in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.*

posted numerous comments that appeared to promise that he would carry out the not use the laws against unfairly, and that he would that he would ensure that would

A copy of the numerous are attached. (Attachment D)

These posts give the appearance that will rule in favor of that he may be prejudiced against and that he will rule according to the wishes or thereby possibly disregarding the law in a case.

*Rule 4.3 Campaign Standards and Communications*

*During the course of any campaign for nomination or election to judicial office, a judicial candidate, by means of campaign materials, including sample ballots, advertisements in the media, electronic communications, or a speech, press release, or any other public communication, shall not knowingly or with reckless disregard do any of the following:*

- (A) *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;*
- (F) *Misrepresent the identity, qualifications, present position, or any other fact about the judicial candidate or an opponent.*

campaign contained a that stated he had “ ” and “j ”

A copy of the is attached. (Attachment E)

The could mislead a person into believing that his experience was obtained as a when in fact the cases he He has He failed to mention that fact