

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-232

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court Commissioner was biased in a criminal matter.

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.

After review, the Commission found that the Commissioner made comments that gave the impression he was biased against the defendant based on the defendant's ethnicity. While this was improper under Rules 1.2, 2.2, and 2.3 of the Code of Judicial Conduct, the Scope Section of the Code provides that not 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 Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer that such comments convey a perception of bias and amount to an appearance of impropriety that does not inspire public confidence in the judiciary.

Commission members Gus Aragón, Roger D. Barton, George H. Foster, Jr., and Christopher P. Staring did not participate in the consideration of this matter.

Dated: January 29, 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 29, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2019-232

**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.

\_\_\_\_\_ is charged with one count of aggravated assault and one count of disorderly conduct. \_\_\_\_\_ case was set in the \_\_\_\_\_ prior to arraignment. \_\_\_\_\_ is an \_\_\_\_\_ born, American Citizen. He speaks with a heavy accent. On \_\_\_\_\_ was before Commissioner \_\_\_\_\_ for a " \_\_\_\_\_ " The purpose of this hearing was to address conditions of release and ultimately continue the matter for ongoing negotiations. As the matter was ending, Commissioner \_\_\_\_\_ made the following statement:  
All right. Now, \_\_\_\_\_ I don't know what it is. Every once in a while, I'll run into a defendant, and for whatever reason, I just feel a little uneasy about him. And it might be just cultural, I don't know. But sir, I want to make sure you understand, don't get comfortable with somehow or another, you're not subjected to the very strong scrutiny associated, are, uh, prov-, uh, required by the court. FTR, \_\_\_\_\_ at 3:17:40.

Rule 2.3 of the Arizona Code of Judicial Conduct states:  
(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.

In the present matter, Commissioner \_\_\_\_\_ explicitly stated his bias toward \_\_\_\_\_ He informed that for some unknown reason he had an " \_\_\_\_\_ " feeling about him and further pontificated that the reason for this uneasy feeling " \_\_\_\_\_ " As \_\_\_\_\_ is clearly not a \_\_\_\_\_ born American citizen, the only logical meaning for this statement is that \_\_\_\_\_ apparent culture somehow makes Commissioner \_\_\_\_\_ " \_\_\_\_\_ " and therefore, likely to violate rules or court orders. Such a prejudice makes a fair and impartial hearing in Commissioner \_\_\_\_\_ courtroom impossible.

A video recording of the hearing is enclosed.

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Comp Attach 1