

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-267

Judge:

Complainant:

ORDER

November 13, 2019

The Complainant alleged a superior court judge failed to maintain decorum in his courtroom by allowing an attorney to sexually harass an individual in the court.

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 Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames, Colleen E. Concannon, George H. Foster, Jr., Christopher P. Staring and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 13, 2019.

CJC Case No. 19-267

The Commission received an anonymous complaint against a superior court judge which consisted solely of an audio/video recording that is less than two minutes in length. The recording showed the judge, prosecutor and defense counsel discussing pretrial matters in a criminal case, just prior to jury selection. There was discussion of where an intern would sit for jury selection, and the defense attorney made a comment that the intern (a female) could sit on his lap. After resolving the seating issue, the judge advised the defense attorney the comment was inappropriate, and the defense attorney stated he was only kidding. The judge stated he knew the defense attorney was kidding, but that the comment was still inappropriate and not appreciated by the intern. The defense attorney apologized.