

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-327

Judge: C. Steven McMurry

Complainant: Self-Report

ORDER

Judge C. Steven McMurry self-reported that he lost his temper with a litigant in a civil matter while serving as a mentor judge for a newly appointed justice of the peace. Judge McMurry admitted his conduct violated Rules 1.2, 2.6(A), and 2.8(B) of the Code of Judicial Conduct.

Based on Judge McMurry's resignation from pro tem service and his agreement with the Commission that he will never again seek or accept a position involving service as a judicial officer in Arizona, the Commission decided to take no further action in this matter and closed its file. Should Judge McMurry fail to abide by his agreement to never again seek or assume a judicial office in Arizona, the Commission will file formal charges against him and/or seek injunctive relief to enforce the terms of the agreement.

Accordingly, the Commission's file in this matter is closed pursuant to Rule 23.

Dated: November 18, 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 November 18, 2020.

April P. Elliott (Bar # 016701)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200
Email: *aelliott@courts.az.gov*

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	
)	Case No. 19-327
Judge C. Steven McMurry)	
)	STIPULATION
Maricopa County Justice Courts)	
State of Arizona)	
)	
Respondent)	

Judge C. Steven McMurry, Respondent, and April P. Elliott, Disciplinary Counsel for the Commission on Judicial Conduct (“Commission”), hereby stipulate as follows:

JURISDICTION

1. The Commission has jurisdiction over this matter pursuant to Article 6.1 of the Arizona Constitution.

2. Respondent began his service as a justice of the peace in Maricopa County, Arizona in 1999. He retired as a full-time justice of the peace at the end of his term in 2018. Thereafter, he served as a pro tem justice of the peace for the Maricopa County Justice Courts until August 26, 2020, when he submitted his resignation.

3. As a justice of the peace when the alleged misconduct occurred, Respondent was and is subject to the Code of Judicial Conduct (“Code”) as set forth in Arizona Supreme Court Rule 81. The Commission has continuing jurisdiction over Respondent for conduct occurring during his service as a judge. Rule 2, Rules of the Commission on Judicial Conduct.

BACKGROUND

4. On or about October 16, 2019, Respondent self-reported that he lost his temper in a civil matter (CC2019-182412 *Arnot v. Hemenway*) while he was serving as a mentor judge for newly appointed Justice of the Peace, Michele Reagan, in the McDowell Mountain Justice Court. The recording showed that Respondent engaged in improper demeanor in both tone and actions, which included yelling at the defendant, standing and pointing his finger at the defendant, and throwing papers at the defendant. Respondent’s conduct also prevented the defendant from fully being heard.

MUTUAL CONSIDERATION

5. Respondent admits that his conduct violated Rules 1.2, 2.6(A), and 2.8(B) of the Code.

6. The parties agree that resolving this matter by stipulation is in their mutual best interests and in the best interests of the judicial system and the public.

AGREED UPON DISPOSITION

7. Respondent agrees not to seek or accept a judicial appointment of any type, not to run for an elective judicial office, or serve in any judicial capacity¹ in the State of Arizona at any time on and after the date he signs this agreement.

8. Respondent specifically acknowledges this stipulated resolution does not deal with or resolve complaints raising allegations not already a part of an open Commission case or investigation as of the date this stipulation is signed by Respondent.

9. The Commission agrees that upon the approval of this agreement by the parties and the Commission, this matter shall be closed. The Commission will post a dispositional order concerning the approval of this stipulation and this stipulation on its website. The formal complaint charging Respondent with the foregoing ethics violations will not be pursued by the Commission unless Respondent breaches the terms and conditions of this agreement as outlined in paragraph 12.

10. Disciplinary Counsel acknowledges Respondent's cooperation with the Commission in the negotiation of this stipulated resolution.

OTHER TERMS AND CONDITIONS

11. In the event Respondent fails to comply with the terms and conditions of this agreement by seeking appointment or election to a judicial office or serving as

¹ The parties agree that not serving in any judicial capacity encompasses the definition of "Judge" in the Code of Judicial Conduct, which states: "Judge" means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, court commissioner, special master, hearing officer, referee, or pro tempore judge.

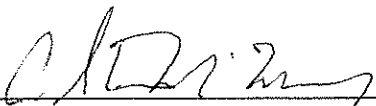
a judge in Arizona, as that term is defined in the Terminology section of the Code, the Commission may pursue this case and bring formal charges, by giving Respondent written notice of its intention to do so, and the matter will proceed to hearing pursuant to the Commission's Rules. Respondent waives any and all claims concerning delay or other irregularities in the Commission so doing.

12. In the event Respondent fails to comply with the terms and conditions of this agreement by seeking appointment or election to a judicial office or serving as a judge in Arizona, the Commission may also seek injunctive relief enjoining Respondent from engaging in conduct in breach of the terms and conditions of this agreement.

13. Both parties will pay their own costs and attorney's fees associated with this matter.

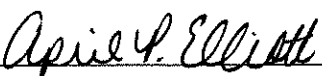
14. Respondent understands the terms and conditions of this agreement, has had the opportunity to review them with legal counsel if he chooses, and fully agrees to and will abide by them.

15. This agreement constitutes the complete understanding between the parties in the resolution of this matter.



Judge C. Steven McMurry
Respondent

10/29/2020
Date Signed



April P. Elliott Disciplinary Counsel
Commission on Judicial Conduct

10/19/20
Date Signed