

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-074

Judge:

Complainant:

ORDER

May 12, 2020

The Complainant alleged a justice of the peace made disparaging comments about another elected official in a meeting.

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 member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 12, 2020.

Comp

2020-074

Commission on Judicial Conduct
1501 West Washington Street, #229
Phoenix, AZ 85007-3231

Dear Sir or Madam:

Enclosed you will find a transmittal memorandum from [redacted] Court Administrator
and an investigative memorandum from [redacted] Human Resources Employee
Relations Specialist [redacted] pertaining to an incident which allegedly occurred at
[redacted] this month.

As I have been told, [redacted] was in
a meeting with that court's administrative leadership team when [redacted]
[redacted] entered the room, asking to see [redacted] a member of the
Judge [redacted] left and then returned shortly thereafter to attend the remainder of the meeting, I was told.
At some point during the meeting, it is alleged Judge [redacted] made disparaging remarks about
[redacted] in front of and to the group. This allegation was reported to me, and I initiated an
internal investigation.¹

I first got word of the alleged event at about [redacted] when
[redacted] came to my chambers to report same. I called in [redacted] Court Associate
[redacted] and we three met. During the meeting, I broke away and went to discuss the situation with
[redacted] and [redacted]
While I was at those *ad hoc* meetings, [redacted] and Judge [redacted] were on a conference call with
[redacted] Later that same day, I asked [redacted] to have a member of
Human Resources department investigate the matter, and he referred it to [redacted]

¹ The organization and governance of [redacted]
set forth in [redacted]
correspondence.

and the [redacted] in general is
a copy of which is provided with this [redacted]

Just before Judge _____ called me, and I returned his call just after He asked if I knew someone from _____ HR was investigating him, and I told him I was aware because I had initiated it, based on assertions of denigrating remarks he'd allegedly made about _____ in a _____ meeting. He offered to discuss the matter later, stating if I wished to talk about it I could call him. I declined to ask him any questions at that time, inasmuch as an HR employee had been tasked with the duty of conducting an investigation. Out of an abundance of caution, and to be fair to Judge _____ I have not called him; I choose, instead, for _____ investigation to stand on its own.

The report contains _____ basic allegations, that Judge _____ denigrated _____ and also proclaimed he had staved off a proposed consolidation of _____ and _____ and that he would do so again if the issue recurred. The latter issue was apparently the vehicle for the alleged derogatory remark, but it is, frankly, irrelevant to me in this context. Rather, it is the former, the allegation Judge _____ allegedly impugned the intellect of _____ which leads me to correspond with you. I am making no allegation Judge _____ has violated the Code of Judicial conduct; that is not, in my view, my role. Moreover, I am making no request that any particular action be taken; that, too, is for the Commission to decide.

If you have any questions, you may of course contact me.

Sincerely,

cc:

Enc:

Memorandum

DATE:

TO:

FROM:

RE: Investigative Report

Attached you will find an investigative report re: “
”. On _____ I received information that _____ had made
comments at a meeting with _____ Court staff present. You asked me to have
Human Resource staff follow up. The attached report is the result of that follow up.
_____ Court Employee Relations Coordinator, _____ conducted the investigation by
speaking with _____ staff present at that meeting. The attached report describes her findings.
Should you have further questions or comments, please do not hesitate to speak with me.

MEMORANDUM

To:

From:

Re: Alleged derogatory comments about

Date:

On _____ at your request, I spoke with _____ Court staff who attended a meeting on _____ during which _____ discussed the possibility of _____

All of those interviewed recalled that while the meeting was in progress, _____ Judge _____ had entered the room uninvited and unannounced. He said he wanted to speak with Human Resources Manager _____ told him she would meet with him later that day. Several minutes later, Judge _____ again entered the room and announced that he wanted to attend the meeting. Judge _____ proceeded to provide Judge _____ with information about what was being discussed. One topic was the possibility of _____

Of the people I interviewed _____ individual stated that Judge _____ said the new mayor is, ' _____ ' and that consolidation was not, ' _____ ' Another person interviewed said Judge _____ said the new _____ ' she is, ' _____ ' that, ' _____ ' ,

_____ person interviewed could not recall whether Judge _____ said the new mayor is ' _____ ' or an _____

_____ of the people I interviewed reported hearing Judge _____ say that that he does not know how intelligent the _____ is or he does not know her intelligence. They also said that he did not seem to support a new effort at _____

person recalled that Judge [redacted] said something about the [redacted] under his breath but could not recall exactly what was said.

[redacted] individuals could not recall any negative comments specifically about the mayor; however, they did recall Judge [redacted] explained that [redacted] had been attempted in the past and it did not work.

[redacted] person did not believe any comments about [redacted] being [redacted] or referred to in any other derogatory term, were made because they would have recalled such a comment.

[redacted] person reported that they were absent that day.

Please let me know if I can be of any further assistance on this matter.