

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-104

Judge:

Complainant:

ORDER

The complainant alleges a justice of the peace created a hostile work environment, engaged in improper demeanor, and lacked professional boundaries.

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 the judge made gratuitous comments in juvenile traffic proceedings regarding the lack of requirement of parental consent for abortions. While this was improper under Rules 1.2 and 2.8(B) 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 to refrain from making such comments in the future.

Commission member Barbara Brown did not participate in the consideration of this matter.

Dated: November 17, 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 17, 2020.

New Complaint against Judge

Recap of Recordings

Interviews (County Human Resources) of (Court)

(Location of Interview –

- * contacted re: hostile work environment at Court.
is extremely concerned about the interview becoming public – losing her job / backlash at work. reassures her about the anti-retaliation policy.
- *Started at Court –
 - Concerned re: lack of a
 - Thought it was odd that she was asked to help compile a policy and procedure handbook on her first day (asked by Judge).
 - described the office as a “ ”
 - She emailed HR re: lack of training after . In response, Judge ” as they weren’t aware of the “ ” a complaint could cause. Then spent a couple of days of refusing .
 - She wanted to quit at that point. Expressed interest to HR about .
- *She missed a lot of work in due to her –
. She went back to work a week later – felt pressure to return as there was no coverage.
- *Late – offered the (she was going to switch positions with). The notification on the switch wasn’t handled properly.
- *Felt some backlash from other women at the office due to .
- *Thought she and Judge had worked through their issues so she decided
- *Began working as the for
 - Describes him as demanding and impatient when he is flustered.

-Says Judge doesn't know what to do – relied on the clerk to “
.”

-Said she felt like Judge would embarrass her when she didn't know an answer.

-Said one attorney questioned her about why she put up with Judge talking to her in the way he did. Another attorney commented that Judge must not like her.

-Says Judge shouts at and is extremely rude to them (in the courtroom). Says he is often rude to in particular.

-She went to and said if his behavior doesn't stop, she would report him to HR (no later than). She thought it was taken care of.

-She said behaviors continued. She said she was told that someone had complained about her being treated preferentially by the .

*Discusses “ ” from other clerks about her friendship with , the . Also stated that Judge seemed to snub her if she had lunch with without inviting him. As a result, she now herself.

*Judge brings up the fact that he has several complaints pending against him that can get him taken off the bench. She doesn't know the contents of the complaints or the complainants. He told her had lied. He repeatedly tells not to involve HR.

* asks her to define “ ” Flopping his hands on the desk. Exasperatingly sigh.

* meeting with Judge and – claims was “ ” to another . Felt she was prevented from speaking and that unproductive.

-Judge tells her that he and his wife have a “ ” so he knows when to walk away from her.

-Suggested .

-She refused.

-Told her not to leave him notes – doesn't want a paper trail.

-Judge said she was “ ’ and “ .”

*States that Judge will signal her to turn off the recorder so he can comment to the defendant off the record.

-One defendant was told to get help with his drinking issues from the

*Judge referred to a local woman named _____ as a porn star – Says _____ is a porn star’s name. Said he said this in the _____ area and where it could have been overhead by the public.

*** _____ is closing so _____ asks her to meet with her again to finish the discussion.****

(Location of Meeting –

*Reiterates Judge _____ poor treatment of other _____ had supposedly told him “ _____ ”

*Judge _____ ate _____ personal food from a Tupperware container on her desk and there should have been no misunderstanding that this food was not for anyone’s consumption.

-Claims he did this with another

*Judge _____ invades her personal space – comes into the _____ of her desk space. She told him she did not like that. He scoffed at her for this. He then demanded that she provide him an exact distance on how close he could be. As the boss, he feels he should be wherever he wants, when he wants.

-She denies that Judge _____ has ever touched her or made any sexual advances toward her.

*Judge openly favors

*Judge _____ is not recording a lot of proceedings anymore, in part due to the judicial conduct complaints.

-Said the record is being used against him so we are not going to be on record unless we have to be.

*Judge _____ repeatedly makes the comments in _____ proceedings about

-She told him he would likely get a complaint about it, and he shared his

*Says _____ refuses to work with him – files notice

* _____ explains to her that she may have to forward the complaint to the Commission on Judicial Conduct.

* _____ discusses how to work with _____ on some of the employee to employee hostility issues – team building exercises.

* _____ inquires if she wants to try and transfer to another court or if she wants to stay in

* _____ upset that Judge _____ shared her personal medical information with the entire office.