State of Arizona COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-171

Judge: Elaissia Sears

Complainant: Anonymous

ORDER

An anonymous complainant alleged a justice of the peace was derelict in her job duties, including that she failed to provide an interpreter, treated defendants differently based on race, publicly discussed a defendant's sensitive health information, solicited court employees to purchase wedding gifts for her using court email, excessively used pro tem judges, brought her dog to work, was habitually tardy for court proceedings, issued untimely rulings, was frequently absent from the court, performed weddings for cash during court hours, and was available to perform weddings but not available to tend to other court business.

As part of their investigation, the Commission reviewed the judge's responses, various records, including documentation on use of pro tem judges, and interviewed several employees of the West Mesa Justice Court. After reviewing all available relevant evidence, the Commission found clear and convincing evidence to substantiate the following allegations:

- Judge Sears brought her dog to court for a period of time. While some employees liked having the dog around, others complained that the dog was disruptive, posed a safety hazard, and urinated in the courthouse.
 Judge Sears subsequently stopped bringing the dog into the court.
- Judge Sears was historically tardy for court proceedings, which caused several employees to have to deal with litigants and attorneys who were upset by the delays.
- Judge Sears frequently failed to issue timely rulings, often having a couple hundred pending matters in the electronic queue waiting for rulings. She would frequently utilize the use of pro tem judges to clear her queue. Such backlog caused the court employees to frequently deal with phone calls from litigants and attorneys who were upset about the delay in rulings being issued.
- Judge Sears was frequently absent from the court during normal court hours when no matters were on the calendar. However, this often caused her staff to turn litigants away who were seeking a protective order,

forcing the litigants to travel to other courts in search of an available judge.

• Judge Sears performed weddings during court hours for cash. Her employees also corroborated that, on multiple occasions, Judge Sears would not come back to court to hear an unscheduled matter, such as a protective order, but she would come back if she happened to have a wedding scheduled for later in the afternoon.

While bringing her dog to court may have been a lapse in professional boundaries, the Commission did not find such conduct arose to a violation of the Code of Judicial Conduct. As to the remaining allegations, the Commission found that Judge Sears' conduct violated the following provisions of the Code:

- Rule 1.2, which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."
- Rule 2.1, which states, "The judicial duties of a judge take precedence over all of a judge's other activities."
- Rule 2.4(B), which states, "A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment."
- Rule 2.5(A), which states, "A judge shall perform judicial and administrative duties competently, diligently, and promptly."
- Rule 3.1(A), which states, "A judge may engage in extrajudicial activities, except as prohibited by law or this code. However, when engaging in extrajudicial activities, a judge shall not . . . participate in activities that will interfere with the proper performance of the judge's judicial duties."
- Rule 3.16(B), which states, "A judge shall not interrupt or delay any regularly scheduled or pending court proceeding in order to perform a wedding ceremony."
- Rule 3.16(D), which states, "A judge shall not charge or accept a fee, honorarium, gratuity, or contribution for performing a wedding ceremony during court hours."

To clarify the finding regarding untimely rulings, while the Commission did not have specific evidence to find that Judge Sears' violated the sixty-day rule under A.R.S. §11-424.02, the Commission found that Rule 2.5(A) of the Code is broader than that statute, as §11-424.02 only covers matters that have been "submitted for decision." *See* Formal Ethics Advisory Opinion 06-02. Based on the evidence, the Commission found that Judge Sears disliked working on matters in the electronic

queue, her queue was frequently backlogged, pro tem judges were routinely utilized to clear matters in the queue, and litigants and attorneys frequently called the court complaining to the clerks about matters not being ruled upon in a timely manner. Such evidence supports a violation of Rule 2.5(A).

The Commission did not find clear and convincing evidence to support the remaining allegations of the complaint.

While there are not set hours for a justice of the peace, a judge must attend to scheduled court proceedings diligently and promptly. The repeated failure to have a judge available to attend to emergency matters does not inspire confidence in the judiciary. Judge Sears' primary responsibility is to her court. In determining an appropriate sanction, the Commission considered various aggravating factors under Commission Rule 19 including the frequency of the misconduct, that the misconduct inquired other persons and the reputation of the court, and that Judge Sears exploited her position for improper purposes by conducting weddings for fees during The Commission also considered various mitigating factors under court hours. Commission Rule 19, including her lack of experience on the bench and the lack of any prior supervisory experience that would prepare her for the administrative duties of the court, that she recognized and acknowledged the wrongful nature of the conduct and manifested an effort to change or reform the conduct, that she had no prior discipline, and that she cooperated fully with the Commission. Weighing these factors, the Commission determined that a public reprimand was appropriate.

Accordingly, Judge Elaissia Sears of the Maricopa County Justice Court, West Mesa Precinct, is hereby publicly reprimanded for the conduct described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judicial officer's response, and this order shall be made public as required by Commission Rule 9(a).

Commission members Roger D. Barton, Barbara Brown, Michael J. Brown and Christopher P. Staring did not participate in the consideration of this matter.

Dated: September 17, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on September 17, 2021.

Racist, ageist, sexist. Flirtatious and immature. Money hungry and unprofessional. Unreliable, inconsistent, unprepared.

Any of these alone would constitute a workplace investigation, wouldn't it? Shouldn't it?

Judge Sears has shown time and time again that she does not want "old white guys" in her court, both on the bench and as defendants. Her constant tardiness, absenteeism, and unprofessional behavior has left the court with no option but to staff ProTem judges more days than not, but has specifically requested "only women" and "better if they are of color". A simple calendar/timesheet check will prove this. In fact, there are multiple instances of Judge Sears essentially closing the court by "blocking" the calendar so she can avoid needing a ProTem to cover days that she "just doesn't want to come in". Court management has been forced to scramble on little to NO notice to find someone to come in to hear cases on her calendar when she has a last-second absence. One would be pressed to find a week when she worked even close to part time hours, averaging 2-3 hours per day, 3 days a week. It's not for lack of defendants or need for a judge; conversely, she comes in after 9am (regardless of court schedule) and stops allowing walk-in cases promptly at 11am. A "migraine" has caused her to text that she can't come in, after the court has already begun for the day, but she will show up no problem in the afternoon for weddings, with new hair done. More about weddings later.

As far as defendants are concerned, young black men receive the most favorable treatment, followed by young black women. The scales of justice lean heavily towards strict and permanent punishments for white men of any means. For example, a young black man charged with criminal speed (100+ mph) will be given the option of defensive driving as diversion and have the charge dismissed; a middle aged white man charged the same (87 mph) must plead guilty and pay the fine, or go through a lengthy pretrial process, because "he should know better". A young black man charged with possession of drug paraphernalia will have his case set aside the same day as he enters a plea, even after a fact based objection from the deputy county attorney but a middle aged white man with the same charge must wait "one year to apply for set aside" to ensure that he "has learned his lesson". Young men are routinely treated to smiles and small talk of non-case topics such as work, school etc. Others are instructed to "let me speak" so "we can all get out of here".

A hispanic man who was charged with multiple counts of DUI requested more than once on record for an interpreter for his arraignment. Judge Sears outright refused telling him "this will only take a second" in order to expedite her very, very limited arraignment hours so that she could leave "on time".

There has been one exception — an older white gentleman brings his pet (that he claims is a service dog, but is clearly not) in with him at all of his hearings. This man has been allowed time and time again to submit forgeries to the court as "proof" of community service hours. His dog, incidentally, is Judge Sears' favorite breed. Ironically, after meeting with him several times, she obtained a dog from the same breeder as his.

The dog in question — which she has had since he was a small puppy — has been a regular fixture of the court. Judge Sears made no attempt to certify the dog as service providing, nor did she ever show any regard for court staff as to whether or not there were allergies or aversions of any nature to dogs. She frequently relies on court staff to "babysit my [her] boy" while she is on the bench, but takes frequent "recesses" to take him out for potty breaks. In spite of this, though, he still has urinated multiple times

in the office workspaces of others, the breakroom, and even in the courtroom behind the bench – and this still occurs, as recently as last week.

She has not once conducted a jury trial. She was still "shadowing" a year into her tenure and during these times of "training" she was never on time. Not a single time. She appeared well after 11am and very nonchalantly gave the excuse for her lateness as "I figured they were going to plea". On one occasion, she was not only late but had scheduled a conflict for herself, without letting anyone know, leaving the ProTem judge to handle the trial. Where was she? At the bank, buying a car.

Due to what can only be described as a regularly heavy eviction calendar, afternoon evictions were scheduled on Wednesdays in order to alleviate the congestion on two other days. Several times she was more than an hour late returning from lunch (after leaving for a 2 ½ -hour lunch break). Once was due to getting a manicure. Another time was due to her getting her hair done. Another time was due to "an awesome salad bar".

Time sensitive documents that require her signature are left waiting 4 to 6 months, until a ProTem comes in and "cleans up the queue".

She isn't untimely in all aspects, however. She has performed no fewer than 350 weddings, at no less than \$100 each. These weddings have also been conducted *during court hours on court property, when she has made herself unavailable for necessary court functions.* She has instructed court staff to "send OP's to North Mesa or Superior Court" when she is "busy" on Fridays. A woman who was clearly battered came to court one Friday afternoon, and court staff repeatedly attempted to call/text the judge to get her to come in. Her response was "absolutely not", but no less than 20 minutes later she came in to court to "get ready for all the weddings".

Due to COVID19, she has been part of the silo procedures – but that has even further limited her time working. One hour working on site is not an exception, leaving court staff to continue, continue, continue cases, although she has it in her duties to provide due process. Now that we are in phase 1 of reintegrating to our "new" normal, she has tried to force court staff to "set **everything** telephonically" which clearly will not and does not work – yet she continues to push for this. She has on multiple occasions continued appearances and cases to a week or day that she is not on site, either due to silo procedures or one of the many days she has a ProTem covering, which loads calendars and staff heavy unnecessarily.

She has blatantly refused to hear or review evidence on more than one case.

She blocked court functions for a whole afternoon – or rather, her now husband did – in order to propose and hold a reception.

After she blocked the court's calendar to go to Puerto Rico for her wedding, she solicited wedding gifts and cash from court staff, by "inviting" all to her wedding registry, through county email, not privately or personally.

Perhaps most disturbing, she recently discussed a defendant's HIV status during a telephonic appearance, with parties unrelated to the case on the line. This defendant has filed multiple complaints with the court regarding this.

I know all of the proceeding to be true and factual, as I am an employee of the West Mesa court. My employment status is the reason for my anonymity, as I see there is no reason for her to not retaliate.

I thank you for your time.

Submitted 06/09/2020

Resp (Sears) 2020-171 SEP 102020

CONFIDENTIAL

Arizona Commission on Judicial Conduct 1501 West Washington Street, Suite 229 Phoenix, Arizona 85007 Attn: April Elliot, Esq.

September 8th, 2020

Re: Notice of Complaint and Opportunity to Respond (Case No. 20-171)

Dear Honorable Members of the Commission,

I hope this letter finds you all in good health. Thank you for taking the time to review the complaint against me and allowing me the opportunity to respond to the allegations therein. Each section will address the 8 bullet points outlined by the AZCJC.

- 1. Every time I have requested a protem, I have given advanced notice to my court managers. My mentor judges, as well as my court manager, have encouraged me to use my protem hours for vacation, catching up on EDMS, double calendaring when we are exceptionally busy, etc. From my understanding, these are appropriate uses of protem hours. I have never left the court without a protem; in the rare occurrences that we have not been able to secure one, I have reported to the court. I acknowledge that there were occasions in February where I was late coming back from lunch due to my miscalculation of the amount of time I had. In February, my court manager and I facilitated multiple private discussions with staff to address these and other interpersonal conflicts the staff brought to our attention. These matters were resolved over 6 months ago.
- 2. I take allegations of racially biased practices seriously and immediately began to investigate. Upon receipt of this complaint, I had one of my criminal traffic clerks pull 10 random files with excessive speeding charges adjudicated in 2020, as they are specifically referenced.

TR-2020102708

Latino male in early 30s, 90 mph with 3 additional civil traffic charges. Plead to court.

TR-2020102292

Latino male in early 20s, 90 mph. Plead to court.

TR-20201102268

White male in mid 20s, 102 mph with additional criminal traffic charge of reckless driving. Entered plea agreement.

TR-2020102274

White male in mid 20s, 94 mph. 6 court settings, granted DDS.

TR-2020117983

White male in mid 60s, 107 mph. 4 court settings, denied Defensive Driving School due to Motor Vehicle Record. 9 points in 12 months. Entered plea agreement.

TR-2020118763

White male in late 20s, 94 mph with additional civil traffic charge of license suspended due to FTA/FTP. Plead to court, license charge dismissed.

TR-2020107639

White female in late 30s, 47 mph in a 25 mph zone with additional criminal traffic charge of driving on a suspended license. Entered plea agreement.

TR-2020112433

"Unknown origin" female in late 30s, 97 mph. Plead to court.

TR-2019158185

White male in late 20s, 120 mph with additional civil traffic charge of failure to maintain lane. Entered plea agreement.

TR-2019159117

Latino male in early 20s, 100+ mph. Plead to court.

I believe this cross section is an accurate representation and does not reflect racial bias. In every ruling I make, I am careful to maintain impartiality and treat every case on an individual basis. 47 defendants charged with criminal speeding have been granted DDS this year; I believe it is a great tool to reduce recidivism.

In the same section that alleges racial bias in granting DDS, there is also an allegation of racial bias in applications to set aside Possession of Drug Paraphernalia convictions. Upon review, I've come to learn the following information on our criminal misdemeanor set aside applications.

2019: 6 set aside applications for criminal misdemeanors were filed.

JC-2011130541 JC-2014151040 JC-2016123135 JC-2018134028 JC-2019100326 JC-2019133878

All were granted. None of them are Possession of Drug Paraphernalia.

2020: 5 set aside applications for criminal misdemeanors have been filed.

JC-2019145487 JC-2014110538 JC-2019103766 JC-2014156882 JC-2018145215

1 granted, 1 denied (state objected), and 3 are pending a response from the state. None of them are Possession of Drug Paraphernalia.

As no set aside applications for Possession of Drug Paraphernalia have been filed, I definitely have not engaged in giving preference to one race in granting them. All set aside rulings are made purely off of the application and response from the state.

3. To my knowledge, I have not denied anybody an interpreter. This allegation was addressed in the Commission's order on August 20, 2020, Complaint 20-117: "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)." Our staff traditionally identifies cases that will need an interpreter before they reach my desk. If the file is not labeled as an interpreter matter and I notice they are struggling, I will respectfully ask them if they would like one and will provide an interpreter at that time.

- 4. In the past, I have brought my dog to the court. It did not interfere with court proceedings, nor did I ask anybody to "babysit" the dog. I have provided medical documentation to past employers and have had my dog with me at work. In this instance, while I did not file the appropriate documents, it was not in blatant disregard. I stopped bringing the dog regularly to the court of my own accord, however I did from time to time upon request as it increased court morale. I, nor my court manager, are aware of any instances or reported instances of urination in the courthouse. This situation was a lapse of judgment and misunderstanding on my part. It has been resolved and will not occur again.
- 5. Every month, I have to sign a time certification document stating that I do not have any outstanding rulings older than 60 days. An allegation of files not being signed in a timely manner is incorrect. I have never been over the 60 day time limit in the 20 months I have been on the bench, including during the suspension of time limits due to the pandemic. While I am not in court, I do allow protems to sign files in the EDMS queue. I would not equivocate this practice with waiting for the protem to "clean up the queue" and not signing any of my files. If this was the case, I certainly would be out of compliance on the time standards every month and the Superior Court would be notified.
- 6. In light of the pandemic, I have officiated weddings during regular court hours where there was no calendar scheduled. However, at no time have I cancelled or delayed scheduled court proceedings in order to officiate a wedding. I have had multiple couples drive from California with their children in tow for a legally binding ceremony, as the courts in California were at the time closed to the public. In a public health emergency, being able to acquire a marriage license in order to get on the same insurance is paramount. I recognize that all weddings must be performed after 5:00 pm and will adhere to these regulations.
- 7. It is accurate that I invited my court staff as well as other judges and administrators to my wedding reception via county email. As the court is an integral part of my life and the site of my proposal, I intentionally included everybody as I would have been thrilled by their attendance (this event was cancelled due to COVID-19.) The email nor the invitation link included solicitation of wedding gifts. There is a section the wedding website automates for a registry, and it clearly states: "We are lucky enough to already have nearly everything we need for this new chapter together! However, for friends and family who have expressed an interest, we have created a gift registry for your

convenience here." There is no ask for gifts. I could see a possible appearance of impropriety if there was a request for payment to attend the wedding, or donations to a charity in lieu of gifts, but that is not the case here. This was a sincere invitation to a wedding reception.

8. The allegation that I have discussed a defendant's sensitive health information with others is deeply disturbing. This is the first time that I am hearing about such an event. My court manager has zero knowledge of any complaint, formal or otherwise, having been filed against me regarding this matter. If she had, she would have been notified immediately and brought it to my attention.

I offer my earnest apologies for the fact that you had to invest time and energy in a response to this complaint and will do my best going forward to be a positive example in our judicial community.

Thank you for your consideration.

Humbly,

Judge Elaissia Sears

Resp Supp 1 (Sears) 20-171 JUL 30 2021

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July 30, 2021

Via email to

April P. Elliott Executive Director

Re: CJC Case No. 20-171

Dear Ms. Elliott:

This correspondence serves as Judge Sears' response to the Commission's follow-up letter dated June 4, 2021. Thank you for the professional courtesy of an extension for this response. As evinced by Judge Sears' September 8, 2020 response, Judge Sears acknowledges and is repentant for isolated incidents of poor judgment which could reflect unfavorably on the office of the judiciary, and has taken immediate steps to remedy any such inadvertent conduct. As background, however, it is relevant to explain the circumstances in place at the time of the events referenced in the Complaint and the Commission's August 21, 2020 and June 4, 2021 letters, which directly invoke the mitigating factors outlined in Rule 19(a-b)(c-g) and (i-j).

Judge Sears took the bench for the first time in January 2019 at age 24. She gathered her votes in true grassroots fashion: by walking several neighborhoods and knocking on thousands of doors, even undertaking to register countless voters to support her campaign. She accomplished this while also managing a full-time college course load and working multiple jobs. This alone is clear evidence of her ability to work hard and dedication to her community. Prior to assuming the bench, her most recent work experience primarily consisted of jobs as a legislative assistant, part-time teacher's assistant, and in the service industry – in other words, she had no supervisory/managerial experience which would have primed her for the substantial responsibility of overseeing a courtroom and a staff. At the time she assumed the bench, she also inherited the staff of her predecessor, Judge Fred Arnett, whom Judge Sears defeated in the 2018 election¹. Although Judge Sears initially believed she could rely on her more-experienced staff to help guide her through the early stages of her new position, her questions to her staff only served to cause unrest and uneasiness². Judge Sears was resultantly often forced to navigate this new position and

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¹ As indication of where her staff's loyalties truly lay at the start of her term, when Judge Sears had in October 15, 2020, her staff called Judge Arnett to come in to serve as Judge Pro Tem in her courtroom that day.

² As an example of the challenges Judge Sears had integrating with her staff, see the statements of Loraine Hickok

its responsibilities alone, and she has acknowledged and continues to acknowledge that this sometimes resulted in beginner's mistakes, lack of proper judgment, and the types of errors that can best be described as "learning experiences" because of the way she has utilized them to improve herself and her office.

As if it were not isolating enough to be a brand new judge in a stand-alone courtroom expected to fill the shoes of a well-loved predecessor, just a year after Judge Sears assumed office, COVID-19 swept the country. There was no official protocol in place for how to handle this unprecedented situation, which was complicated by the fact that the West Mesa Justice Court chambers primarily consist of an open space with narrow corridors in which most of the staff works. And, to add to that, the procedures that resulted from the courtroom being closed to the public caused a lot more work for staff, leading to resentment toward Judge Sears for following the Arizona Supreme Court's Administrative Orders. See Marin, 25:20-25.

At the same time that she had to determine how to handle the pandemic and best protect her staff and citizens, Judge Sears – the only Black person in the West Mesa Justice Court and one of the few Black judges in Maricopa County – was also dealing not only with the protests, riots, and national news regarding violence against Black Americans, but also with direct threats of violence against the judiciary in Arizona. On July 20, 2020, Judge Sears received an email addressing the news of United States District Court Judge Esther Salas's husband being shot and son being murdered by a disgruntled litigant and reminding her and all other judges about the inherent risks to judicial officers. See Email, Exhibit A. This threat became all too real to Judge Sears when, on August 27, 2020, a BOLO was sent around about Mr. Pearson, identifying him as a disgruntled litigant with a known history with police. On April 6, 2020, Mark Pearson had an eviction trial conducted by a judge pro tem in which he became combative toward all parties. From that point on, the court regularly received calls and emails from Mr. , naming Judge Sears specifically despite the fact she had not overseen the trial. At the time the BOLO was was actively litigating a case remanded from the appellate court in disseminated, Mr. Judge Sears' courtroom. The case was set for trial in November 2020. Mr. escalated as he made a number of violent threats to Judge Sears and her staff which were reported to both the Mesa Police Department and the Security division of the Judicial Branch of Arizona in Maricopa County. See Judicial Branch Security Department Information dated August 26, 2020 and Emails dated August 26-27, December 2, 2020, and May 13, 2021, attached as Exhibit B.

Judge Sears' chambers are constructed with a wall of floor-to-ceiling windows that face an open lot adjacent to a busy street. The windows are not bulletproof and any exit from her office

contest and people are hired – you know elected that don't have a lot of background." (7:17-22) and "Judge Sears is a nice enough young lady, and I try to embrace the fact that the work force holds like five different generations now. And people are just – we're all so different..." (14:1-4)) and Ginger Rodas ("You know, she's young and she has a lot of – a lot of life experience to gain, you know, and maybe not quite the work ethic that I would expect from a judge..." (3:19-22); "she plays judge really well" (10:4-5); "...sometimes she just says things or does things out of her immaturity, you know what I mean. Well, she's smart in other ways." (31:18-20); and, "learn your damn job and stay out of mine" (31:24-25)). See also the testimony of Ms. Rodas regarding the Complainant, Bonnie: "...it was clear that Bonnie didn't necessarily – it wasn't that she didn't like the judge because they could talk and be friendly and be totally fine, but it was the judge's work ethic that pissed Bonnie off you know, and then you know the judge will say something – she said something about you know, I've never staffed before, and – and Bonnie, very outspoken girl, she said, we don't need a manger. We need a judge, you know. So there was kind of that."

would require Judge Sears to navigate multiple doors and hallways. The dangers inherent in this setup were accentuated by the stress of these various and numerous circumstances during a time that was already dangerous to all Americans due to the global pandemic.

In addition to the above, Judge Sears was dealing with a number of personal stressors during this period. In early 2020, she was coping with the stress of singlehandedly coordinating her wedding outside of the continental United States. She was also living with her father-in-law, who has a history of abusing her husband and mother-in-law; living in that environment has been and continues to be understandably very emotionally taxing for Judge Sears. To add to it, in approximately May 2020, her father-in-law began to regularly go into diabetic shock and was starting to go blind. And, for a period of approximately four months toward the end of 2020, Judge Sears housed a friend who was a survivor of domestic abuse, which caused her family to live in constant fear that her friend's abuser, a gun owner, would arrive armed at Judge Sears' residence to confront his partner.

We would urge you to keep the above circumstances in mind when considering Judge Sears' responses to your express requests for additional information as follows.

1. Judge Sears' Admitted Oversights Regarding Bringing Her Dog³ to Work Have Been Completely Resolved.

Judge Sears has already expressed her remorse over the regrettable decision to occasionally bring her 14-lb West Highland Terrier to work and does not deny her poor judgment in doing so. Although she thought her staff would find the puppy as cute and adorable as she does and hoped it would bring joy to the court staff during the pandemic while the court was closed to the public, she had stopped doing so by the time of the complaint. She now recognizes the potential liabilities to which she exposed both herself and MCJC. Although not an excuse for this error in judgment, Judge Sears did ask if anyone had allergies prior to bringing the dog and brought its kennel and a pen for her office. Judge Sears mistakenly believed this conduct was acceptable because there were no complaints, including from HR, even though it was no secret the dog was present – HR actually met the dog during one of its visits. In fact, some of the staff who was interviewed even commented they liked the dog. *See* Jensen, 20:19-21. Regardless, Judge Sears has not brought her dog in since before the complaint and will not bring her dog in again.

2. Judge Sears' Rulings Are Currently Up-to-Date.

At present and for the last several months, Judge Sears actively works on her queue remotely to keep it up-to date, which her staff may not have been aware of at the time of these interviews. Judge Sears also used her personal vacation time to have a pro tem come in and work on her EDMS queue, which demonstrates that she is taking action to ensure the work of the court is completed on a timely basis. It is worth noting that Judge Sears had an excessive amount of vacation hours due to the demands of running a court in a pandemic, and Ms. Rodas encouraged

³ Although not specifically addressed in Ms. Elliott's most recent letter, attached is documentation confirming that the dog was acquired in Grand Junction, Colorado, to address prior unfounded allegations that the dog was obtained through other, allegedly improper means. *See* Exhibit C.

her to use them instead to help catch up on EDMS. Judge Sears has not regularly used vacation hours for her EDMS queue since March 2021. She took it upon herself to bring the queue completely up to date as she prefers to sign her own documents. Nevertheless, Judge Sears does acknowledge that, especially during the pandemic, there were issues with timeliness of rulings that have since been resolved.

For example, in early 2021, eviction proceedings became very backed up. Around this time, eviction guidelines were oft times confusing, and changing constantly due to CDC orders. As a result, there were also significant numbers of motions arguing tenants shouldn't qualify for CDC protections. There were so many filings that Judge Sears tried to allow the cases to age simply to prevent having all the hearings on the same day. She nevertheless acknowledges that three weeks is way too long and she should not have allowed them to age to that extent despite the backlog arising from pandemic-related protections. Again, this has not been an issue since.

Judge Sears also recalls an occasion when there was a default hearing and, as a result of mere oversight, Judge Sears missed the signature. It is common that there are many default hearings in the same day with other matters heard in between, which accounts for this inadvertent error. This was an isolated incident and a mere mistake.

Judge Sears was not aware of any alleged action to pull out documents for signature on day 30 and put them back into the rotation; nevertheless, she has taken steps to make sure her EDMS is routinely cleared now. Judge Sears also cannot speak to the incident Ms. Jensen referenced during her interview regarding two orders of protection that were delayed approximately four hours as she does not recall this incident nor the circumstances under which it could have occurred. In the event it occurred, Judge Sears is sincerely apologetic for any inconvenience to either her staff or the movants.

Judge Sears further admits that some of her delays were the result of lack of time, sometimes due to scheduling complications arising from COVID-19 related meetings and protocols, and prioritization, but denies the allegations that it is the result of lack of knowledge. Judge Sears is always willing and able to call on her resources outside the courtroom if she isn't sure about something she sees in a filing and has done this many times. She denies, however, any allegation that she had not cleared the 60-day queue prior to signing her certification; further, that allegation appears to be based purely on unsupported speculation and hearsay.

In sum, while Judge Sears admits that at times she had not adequately cleared her EDMS queue, she has learned from this experience and is now keeping both her hard copy files⁴ and the EDMS queue clear on a weekly, if not daily, basis.

3. Judge Sears Works Regular Hours Consistent with the Schedule of Other Judges.

Judge Sears is present at the courtroom at least four if not five days a week, from morning until afternoon with a lunch break in between. She often works until 6 pm. As such, Judge Sears is unable to respond to the allegation that her "frequent absences from the court present an

⁴ To be clear, Judge Sears' hard copy files have always been up-to-date.

appearance of impropriety to the taxpayers" because she denies that she is frequently absent from the court. Judge Sears' schedule both during the week and on Fridays is consistent with the history of the West Mesa Justice Court. See Marin, 12:22-13:1; 16:13-17; see Baker 11:7-14 (describing Judge Arnett's practice of leaving when he wasn't in court); see Rodas, 3:22 through 4:8 ("I've worked with a lot of judges, and I've actually seen kind of the same thing in other courts too..."). Because there are typically no calendar settings on Fridays, it is typical that the Judge is not physically present. At the beginning of her tenure, Ms. Rodas even suggested Judge Sears block off Fridays to avoid using her vacation hours consistent with the practice of the preceding Judge⁵. Since then, however, Judge Sears has started coming in on Fridays when there are no jury trials with some frequency. She intends to continue doing so going forward.

In addition, while concerns were raised regarding Orders of Protection, namely on Fridays, this may have been the result of communication issues. It was unknown to Judge Sears that previously only a couple of the clerks knew how to process these cases and, due to their lack of knowledge and perhaps pride, they opted to send these litigants away instead. At no point, regardless of who was on the bench, should people have simply been sent away on Fridays. To resolve that, a procedure was implemented by Judge Sears to address this issue. *See* Email from K. Lopez, June 15, 2021. This procedure includes not only attempting to contact Judge Sears but also trying to send litigants requesting Orders of Protection to either North or East Mesa Justice Courts, the police department, or Maricopa County Superior Court. In addition, the West Mesa Justice Court is in the process of training everyone on Orders of Protection so that there is always someone present who can assist with these forms.

As to the concerns regarding timing of weddings, this was simply a misunderstanding. Judge Sears previously understood she could perform weddings during the day if it did not interfere with court business. She does not deny that, as a result, she previously performed weddings close to the end of the day but prior to 5:00 p.m. Now that she understands that is not the case, she has completely ceased this behavior when she received the complaint in August 2020. She still conducts approximately a dozen weddings a month, but only after 5 p.m. Judge Sears charges a standard fee for the weddings, \$100, which she understands is consistent with what other judges charge and has been since she joined the bench. A portion of funds received for weddings is donated to a fund that benefits all the staff members and can be used for things like lunch or other group events. Most recently, Judge Sears purchased new embroidered polos for the staff, at a total cost in excess of \$600. Judge Sears also covered the cost of the last order of polos, bringing her total personal expense for staff items to over \$1,000 in addition to her usual donations. Judge Sears considers this expense a small gesture of appreciation based on how hard her staff works; as she often acknowledges, she could not do her job without them.

As to the allegation that Judge Sears would come in to perform weddings but not attend to other court business, the opposite is true. If Judge Sears knew she had to be at the courtroom after 5:00 p.m. for a scheduled wedding, her manager suggested she return to court around 3:30 or 4:00 p.m. to attend to other business, which Judge Sears regularly did. *See* also Jensen, 16:4 through

⁵ This is consistent with a practice Ms. Rodas also had of manually altering other staff members' time sheets if they came in late and then made up their time later to avoid them having to use vacation time. *See* Affidavit of Kelly Lopez, attached as **Exhibit D**.

17:2. To the extent that it was raised as an issue in the citations to the interviews, Judge Sears did perform weddings outdoors during the pandemic, consistent with the closure of the court to the public.

(Of note, Judge Sears was at one time so concerned about the appearance associated with her simply going home for lunch due to complaints about her schedule that she was afraid to leave and so simply stopped eating during the day. This was the case even though she might finish morning appearances by 11:30 and not have anything on the calendar again until 1:30. She regularly works through the lunch hour to this day, reflecting the seriousness with which she takes these accusations.)

4. Judge Sears Does Not Deny Historical Tardiness But Has Completely Resolved this Issue.

Judge Sears does not deny that she has historically had issues with tardiness⁶ and that litigants have had to wait as a result⁷. This was due in part to a misunderstanding about the schedule, as Judge Sears only recently identified that Wednesdays' arraignments begin at 8:00 a.m. and previously misunderstood that the calendar started at 9:00 a.m. Nevertheless, Judge Sears recognizes this is no excuse and has since changed her behavior to be on time for arraignments and all other calendars. She is incredibly apologetic about the impact this has had on any litigants in her courtroom.

5. There is Insufficient Evidence Judge Sears Disparately Treats Litigants Based on Race.

This allegation is based solely on a single complainant and is uncorroborated by any of the nine other employees interviewed, despite the indication that another clerk was present. Judge Sears has no recollection of ever denying a court participant an interpreter, which she is fully aware is a right. This was consistent with the statements of Ms. Marin (23:3-14), Ms. Jensen (20:9-14), Ms. Carmichael (3:13-17); Ms. Howard (18:15-18); and Ms. Rodas (34:12-25), who likely worked most closely with Judge Sears and expressly stated she did not think the Judge was racist or unfair. It is also consistent with Ms. Jensen's comments about it being hard to tell if a complainant really had an incident or is just upset s/he didn't win her/his case (21:2-8). It is also consistent with the dismissal the Commission issued to Judge Sears regarding this very complainant. *See* Exhibit E. The sole reference to this issue was made by Ms. Benavidez, whose allegation that when young black males came in Judge Sears would "kind of just primp herself up a little bit and, you know, fix her posture and, oh, sure, sure, you need – you need an extension – how long do you..." was wholly unsupported by any of the other interviewees. Notably, in Judge Sears' entire time on the bench, Ms. Benavidez has never acted as a bailiff in her courtroom.

As additional background in response to the allegations against Judge Sears, there was never any request for a gift made with respect to her wedding. First, Judge Sears' nuptials were well known to her staff – they helped stage the formal proposal in her courtroom, which was then

⁶ Tardiness here is in relation to the calendar, as there is no set schedule for the Judges. Consistent with this, the calendar starts at a different time each weekday with no calendar at all on Fridays if no jury trials are set.

⁷ Of note, Ms. Carmichael acknowledged that other Judges kept similar hours. (9:17-18).

featured in the Maricopa County Justice Courts Weekly Newsletter. See Newsletter dated January 31, 2020, attached as **Exhibit F**. Second, Judge Sears' wedding reception invitation was a straightforward invitation with zero allusion to a request for gifts. Judge Sears simply sought – perhaps erroneously, based on the resulting allegations – to include her staff in a milestone event in her life. See February 11, 2020 email to West Mesa Staff, thanking them for the card and providing photographs of the elopement in Puerto Rico in response to their requests for pictures, attached as **Exhibit G**. This is simply an unfounded allegation against Judge Sears, which was consistent with the statements of nearly every interviewee on this topic.

The purpose of judicial discipline is, pursuant to the Rules themselves, to protect the public and maintain high standards for the judiciary and the administration of justice. Disciplinary remedies or sanctions imposed shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from similar acts of misconduct in the future.

To the extent that Judge Sears' transitory, circumstantial conduct addressed above is considered "misconduct," Judge Sears has already taken adequate steps to remedy that conduct and maintain the dignity and honor of her position simply in response to identification of these issues and of her own accord. Judge Sears does not deny that some of her conduct could have been better and has striven to bring it to the requisite level of someone in her position. This selfcorrection is consistent with the same high standards and work ethic that won Judge Sears her seat on the bench in the first place. Although, in hindsight, she should have asked for more advice and guidance up front, her naiveté combined with her regrettable pride led her to independently try to navigate a position, for her, of unprecedented levels of responsibility – oversight of the huge operation of a courtroom with a substantial staff – to the temporary detriment of the court. Judge Sears has since undertaken to remedy all of these shortcomings with great success. She respects the judiciary and her position to the utmost degree and it is her top priority to comply with and even exceed the standards attributable to her position. And, as set forth by the affidavit of her current court manager, she has successfully righted the ship on all applicable counts addressed above. See also Exhibit D. For these reasons, Judge Sears requests that this Complaint be dismissed, perhaps with an advisory letter or warning letter, to allow Judge Sears to continue to prove to the Commission that her conduct was temporary oversight at most and has since been adequately remedied.

Although humbling, Judge Sears is grateful to have experienced such a challenging lesson so early in her career as it has allowed her not only to better herself as a person and a judge, but to help her lead and implement similar growth among the staff and in the community she serves. Judge Sears again thanks the Commission for the time invested into this investigation and in consideration of her request.

Should you need any additional information or wish for Judge Sears to further address any of the issues raised in your June 4, 2021 letter or the citations to testimony therein, please do not hesitate to contact us.

Very truly yours,

/s/Jessica J. Kokal

DONALD WILSON, JR. JESSICA J. KOKAL For the Firm

DWJ/JJK/gmb

----- Forwarded message -----

From: Elaissia Sears (MJC) Date: Sat, Jul 17, 2021, 8:48 AM

Subject: Fw: Judicial Officer Safety Information

To: Elaissia Sears

From: Sean Gibbs (SUP)

Sent: Monday, July 20, 2020 10:12 AM

To: All Judges ; All Commissioners

; Judges - MCJCX

; Jeff Fine (COC) ; James Morrow

(MJC) ; Judicial Administrators and Management Staff

; Chris Reams (MJC)

Cc: Joseph Welty (SUP) ; Raymond Billotte (SUP)

Subject: Judicial Officer Safety Information

Judges and Commissioners,

As you are likely aware, over the weekend an attack occurred in North Brunswick, NJ that targeted the home of U.S. District Court of New Jersey Judge Esther Salas. During the attack a gunman dressed as a FedEx delivery driver opened fire into the home after the door was opened by Judge Salas's son and husband. Tragically, Judge Salas's son was killed in the attack and her husband remains hospitalized with serious injuries.

The incident is under investigation by U.S. Marshalls and the F.B.I. Judge Salas has overseen the justice of many high-profile cases as of late, to include cases with ties to a dangerous drug cartel and cases involving federal racketeering charges that had significant media and public interest. However, there isn't a confirmed connection between Judge Salas's cases and the tragic events of the weekend.

This incident is a reminder of the inherent risks to our Judicial Officers and the mitigation processes that exist to monitor and reduce threats to the Judicial Branch. The JBSD continuously monitors numerous social media sites, individual social media posts, emails, standard mail and phone messages involving people/cases of security concerns. Your interests, along with information gathered by JBSD is shared with MCSO, local law enforcement and APD officers to protect Judicial Officers at the Court facility or while at

home. Here are some additional precautionary safety information:

- Report all threats whether deliberate or inappropriate immediately to JBSD and MCSO.
 We collaborate on threat incidents to ensure the safety and wellbeing of our Bench,
 Staff and facilities remains priority one.
- If you receive suspicious mail whether at home or at a Court facility, contact the JBSD, MCSO or local police at once. Never touch or disturb a suspicious package or object.
- If possible and when practical, have your home deliveries such as UPS, FedEx, Amazon, etc. dropped off at the door without direct contact.
- Practice good cybersecurity, internet security and adhere to social media DOs and DON'Ts.
- Vary your times and routes to and from the courthouse when possible.

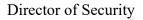
See the attached JBSD Threat Information Flyer (Atch 1) and the Judicial Officer Security Handbook (Atch 2) for additional safety and security information. The JBSD continues to work with MCSO on all threat cases and monitor social media sites for early indications of threats and/or inappropriate communications towards our Judicial Officers. Please use to report suspicious activity or contact me directly if you have additional questions to concerns. Have a good day and as always, be safe.

Respectfully,

Sean



SEAN R. GIBBS





Judicial Branch of Arizona in Maricopa County

201 W. Jefferson St. Suite 203

Phoenix, Arizona 85003

Office: 602-506-2045 / Cell:

"Secure"

"Protect"

"Deter"

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----- Forwarded message ------

From: Ginger Rodas (MJC)

Date: Thu, Aug 27, 2020, 7:31 PM

Subject: Fw: BOLO-To: Elaissia Sears <

Ginger Rodas Court Manager West Mesa Justice Court

From: Ginger Rodas (MJC)

Sent: Thursday, August 27, 2020 12:12 PM

To: West Mesa Staff - MCJCX <

Subject: BOLO-

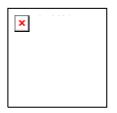
Staff,

This man is considered dangerous and a threat to our court and law enforcement. All Police have been made aware, Mesa, Salt River, Scottsdale and Prescott. They want everyone at the court to be aware that this person might show up to the court at any time today or tomorrow since he has stated it is 'going down' on Friday. Please be aware when you go out of the court, ask for a security escort to be safe.

- 60 yo drives a black hatchback Mercedes, per our leaders in security they discovered that he may have purchased a new 2020 car yesterday and they will let us know ASAP.

Attached is his driver's license from a previous case. He is 5'7" brown receding hair, brown eyes. Small stature.

Please be aware. He is considered armed and dangerous and a serious threat.



Ginger Rodas, Court Manager

West Mesa Justice Court

2050 W University Dr

Mesa AZ 85201

Ph: 480 964-2958

From: Elaissia Sears

Sent: Friday, July 16, 2021 3:21 PM
To: Don Wilson; Jessica J. Kokal
Subject: FW: Reporting a Threat

Attachments: image001.jpg

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----- Forwarded message ------

From: Kenneth Cost <

Date: Wed, Aug 26, 2020, 1:40 PM Subject: RE: FW: Reporting a Threat

To: Elaissia Sears

Judge Sears,

Same here, great to see you yesterday and great job up there! Thanks for keeping me in the loop, I will have my intelligence folks do a workup on him as well. If the director of security or you need anything our officers will be here for you, just let me know.

Stay safe and thank you for what you do and your service to our community!

Ken



Ken Cost

Chief of Police

Mesa Police Department

(480) 644-3668 Office

From: Elaissia Sears < Sent: Wednesday, August 26, 2020 10:51 AM To: Kenneth Cost < Subject: Fwd: FW: Reporting a Threat
Good morning Chief,
It was great seeing you yesterday! Ron and I were talking about how highly we think of you. I appreciate all the hard work you are doing with MPD.
I wanted to keep you in the loop on this one. Many violent threats against my staff, the protem judge who presided over this case, and myself (I signed the order to enforce the writ.)
Hopefully nothing happens, but he did claim to have a police interaction with 9 officers yesterday.
Forwarded message From: Elaissia Sears (MJC) < Date: Wed, Aug 26, 2020, 10:48 AM Subject: FW: Reporting a Threat To: Elaissia Sears <

From: Sean Gibbs (SUP) < Sent: Wednesday, August 26, 2020 9:38 AM To: Ginger Rodas (MJC) < ; Lawrence Slade (SUP) >; Steve Reynolds (SUP) < Cc: Martin Brown (SUP) < >; Rick Gargus - PSX < Elaissia Sears (MJC) < ; Bianca Sanchez (MJC) >; James Morrow (MJC) < **Subject:** RE: Reporting a Threat We're on it...thanks. We'll follow up. Tks. Respectfully, SEAN R. GIBBS **Director of Security** Judicial Branch of Arizona in Maricopa County 201 W. Jefferson St. Suite 203 Phoenix, Arizona 85003 Office: 602-506-2045 / Cell: "Secure" "Protect" "Deter"

Good morning,

I would like to inform you of a phone call I received this morning from a disgruntled defendant. Case #

This case is currently on appeal. It's an eviction action case. He has been evicted from the property since 8/6/20. Our security guard, knows this defendant carries concealed. He has been to the court filing paperwork with us.

The defendant, , called this morning and I started taking notes:

"Yesterday 9 cops came here I went to get my things from my trailer and they surrounded me and they took my weapons but I'm prepared for this. I've been through probate and all the fraud. If somebody doesn't call the appeal judge and find out and get this overturned then on Friday it's going down. I own this property they're trying to sell half price to other people. If they don't let me get my things out it's going down on Friday. You're putting lives in jeopardy. I told the police. Judge is buddy buddy with an attorney getting a kick back. All over \$300 bill that's not mine. Judge just rubber stamped this case. I don't know where you...we're gonna find out Friday. I'd get on the phone and find out. If somebody gets killed here the courts liable and they know it's been a fraud. The judge just rubber stamped this, its my problem but its gonna be someone else's. Yesterday my motion to appeal the writ that I filed who's gonna rule on that, somebody better make a phone call to talk to and find out what judge is assigned to this. (I told him I would call Superior Court Lower Appeals and see what Commissioner is assigned and find out where they're at with the appeal). "I didn't sign for this. It's all been a fraud. I'm losing 50 thousand I don't rent I own this home. Everybody wants to sit back and wait for something to happen. They never presented any documents for the \$303. It's been a fraud and not related to my contract. This judge already knew what they're gonna rule. They were on the phone because the 3 of us were waiting on the line so she was talking to the opposing attorney and making a deal before she got on the line with this case. She said the attorney takes an oath and they're all honorable but no bill was ever present. People think it's really cute we'll see how cute it is. We're gonna have it out. I don't know if I'll see you again but I'll see you. It's a corrupt judge. That's what happens when...that's what's wrong in this county. It's gonna end Friday. I really hope you or somebody gets on the phone...somethings going down Friday...if it's a mess it's a mess.Do you know if I pay some legal thing there's nothing on my lease for this. This was a fraudulent bill. We know the corruptions there. It's coming to a head now on Friday. This things gonna happen...save some people and you know damn well I paid and this \$303 bill was never presented. They know it's a fraud. It's a collection issue, they can't foreclose it's a fraud. They're still sending me a corrupt bill. I never had a rule that...They're sending me a bill for \$4000 that's a fraud there. They'll come after me and after my property. I hope these police officers sue the state and they're being put in harms way. You get pissed off I'm 60 years old and I've had it. Say hello to your people that are going to enforce it. You guys are all in a bad way when they review my case. Nobodys seen this phantom \$303 bill. I hope the state realizes that this is corrupt. They don't give a shit about me. This judge is getting a kick back. She'll probably tell them she needs this verdict. It's a corrupt system. You can't have law and legalness. They stand for each other and they're corrupt with each other. Shits gonna happen. It's all base on a fraud. And you got people that died over it. The cops don't know these judges are corrupt and they die over it. They're taking my property over \$303."

Evicted from:

Change of addre	ess reported 8/6/2020
Attorney for	
Please call me if	you need any further information or further instructions for me.
Thank you,	
C	Ginger Rodas, Court Manager
<u>\</u>	West Mesa Justice Court
2	2050 W University Dr
ľ	Mesa AZ 85201
	Ph: 480 964-2958



Judicial Branch Security Department INFORMATIONAL (26 August 2020) #71



NAME:

AKA: Unknown

AGE:) RACE:

SEX:

HEIGHT: UK WEIGHT: UK EYES: UK HAIR: UK

IDENTIFIERS:

HISTORY: No JBAZMC Criminal History

held at West Mesa Justice Court on 6 August 2020, claims the JO is corrupt and holds the court liable, "If somebody gets killed." On August 26, 2020, called the court, giving them warning to overturn his eviction by Friday, 28 August, 2020, or "It's Going Down." He made threats to kill Police Officers responding when he returns to the property from which he was evicted. Pearson is known to possess and carry firearms. has a history with Salt River and Scottsdale PD and is considered volatile. has no hearings scheduled at this time. OFFICER Instructions: Exercise CAUTION when dealing with Pearson!

***If you encounter this person, deny entry and immediately notify the SCC and chain of command. ***

----- Forwarded message -----

From: **Elaissia Sears (MJC)** < Date: Fri, Jul 16, 2021, 3:27 PM

Subject: FW: To: Elaissia Sears <

From: Elaissia Sears (MJC)

Sent: Thursday, May 13, 2021 10:31 AM

To:

Subject: FW:

This is the most recent email.

From: Kelly Lopez (MJC) <

Sent: Thursday, May 13, 2021 8:30 AM

To: Steve Reynolds (SUP) <

Cc: Kelly Lopez (MJC) < >; Bianca Sanchez (MJC)

< ; Elaissia Sears (MJC)

< >

Subject:

Good Morning,

I received this email and just wanted to forward it because it sounds a little threatening. I wanted to report this because apparently security is aware of previous issues with this gentleman.

Thank you





Kelly Lopez | Court Manager West Mesa Justice Court 2050 W. University Dr., Mesa, AZ 85201

Direct: 602.372.4930

From: JD @ Pear-Tek

Sent: Thursday, May 13, 2021 3:31 AM

To: Kelly Lopez (MJC) < **Subject:** Re: Email

This is

I'm a victim from the corruption of the fraud bill your judges rule without ever being disclosed the actual bill. But can make a ruling without it present its real and fact it was mine? Meaning without seeing that bill they use for the bases of the eviction it's a fraud - and the plaintiffs never had to disclose the bill. Why would a judge grant them a case to take my home that was paid in full with cash .. you people better wize up when a judge makes a RULING based on the main document Tony even present - You bet there is a Kickback involved .. And she is waiting for the sale of my home .

So I'm the guy who is going to get justice for her corruption - you show me in my case where this bill was even disclosed to be real and a I could only figure the judge is waiting for a kickback on my property for her to Rule .. I think you better wise up when you have a corrupt judge in rulings for her being it and she has got away with it . I think you all should be a little worried there isn't a day go by when justice to feed a corrupt judge pocket may take place . You think your all protected with the judges corrupt ruling for her gain and not care that the plaintiff never had the very document that would be their proof ..

But it's a fraud bill and the corrupt judge knows it . But Is to greedy to through the case out . Will someone will pay - that's who I am . As you could of looked my email up to see who I was ...

I emailed you the document request of all my documents I turned into the courts that day. That was there for the trial - but your corrupt judge would not. I repeat would not allow my documents to be interested- never the less they were there for the trial - I want them to go to the appeal judge in phoenix - she your corrupt judge had them on her desk at trial.

And if you don't like this email check first to see if that \$ 303.00 bill that was fraud was ever EVER present fir the trial? That your judge never cared but was the bases for the eviction - a made up number that was on an invoice? Look into it because when you get a corrupt judge it puts all your life in jerperty .. those are just facts

And the police that has to

On Tue, May 11, 2021 at 4:05 PM Kelly Lopez (MJC) < K

> wrote:

Good afternoon,

This email was forwarded to me I am not sure who JD@Pear-Tek is? Can you please help me so I can answer your question?

From: JD @ Pear-Tek <

Sent: Tuesday, May 11, 2021 3:04 PM

To: West Mesa Justice Court < >;

Subject: Access court records - as my documents was not sent to superior court

Please all this document to get a full copy of the documents of trial -

The judge did not let my documents in court and then lied that I had no documents to be presented these documents are to be on a disk that will pick up tomorrow and take to the superior court - please have them ready foe me

Case number

--

Sent from JD @ Pear-tek

pageSeal



Kelly Lopez | Court Manager West Mesa Justice Court 2050 W. University Dr., Mesa, AZ 85201

Direct: 602.372.4930

__

Sent from JD @ Pear-tek

From: Elaissia Sears

Sent: Friday, July 2, 2021 12:25 PM
To: Don Wilson; Jessica J. Kokal

Subject: Fwd: westie puppy

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This conversation continued on cell

----- Forwarded message ------

From: extraordinarylei < Date: Fri, Jul 2, 2021, 12:22 PM Subject: Fwd: westie puppy To: Elaissia Lei Sears <

----- Forwarded message ------

From: Sherry Fernandez <

Date: Wed, Jul 31, 2019, 6:24 AM

Subject: westie puppy

To: <

The second male puppy sold yesterday. If you are interested in buying my male, I will hold him until you are back. Then you can send a deposit. I should have told you to send it before you left on Vacation! They do sell fast and with only 2

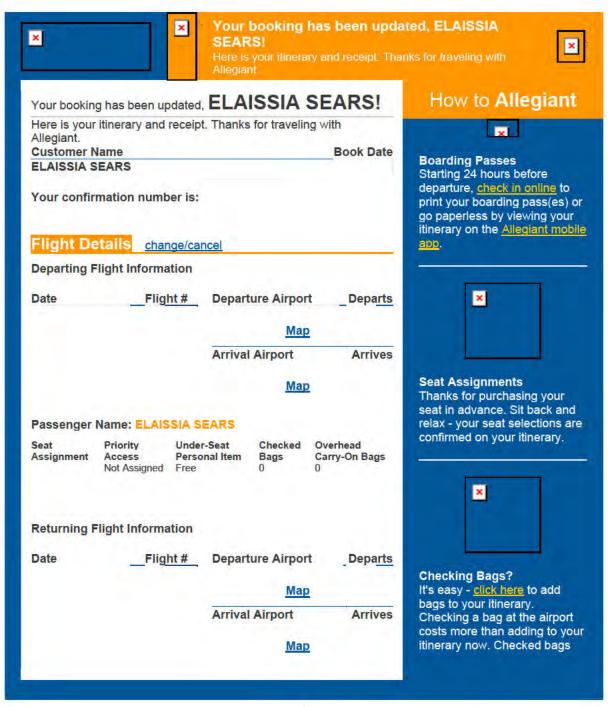
From: Elaissia Sears

Sent: Thursday, July 1, 2021 3:37 PM
To: Don Wilson; Jessica J. Kokal

Subject: Flight Details

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Passenger Name: ELAISSIA SEARS - PET IN CABIN, OTHER SERVICE INFORMATION

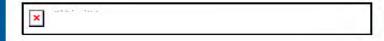
Seat Priority Under-Seat Checked Overhead
Assignment Access Personal Item Bags Carry-On Bags
Not Assigned Free 0 0 0

Receipt and Payment Details

Airfare	\$
Round Trip Discount	-\$
Fed Excise Tax	\$
Segment Fees	\$
PFC	\$
Sept 11 Security Fee	\$
Carrier Usage Charge	\$
Pet In Cabin Fee	\$
Total Trip Cost:	\$

Payment Type	Payment Date	Amount
-5-4 m 		
Total Paid:		

Balance Due	\$0.00



must weigh under 40lbs. Overweight bag fees apply.



Carry-On Bag

Your carry-on bag should be purchased and added to your itinerary prior to departure. Bag fees are higher at the airport.

Click here for details.



Arrive 2 hours prior to departure.

Plan to be at the airport 2 hours in advance. Checked baggage must be dropped off at the ticket counter at least 45 minutes prior to scheduled departure. All passengers must be seated on the plane 20 minutes before departure.

¿Habla español? Haga clic aguí.

Manage Your Travel

To change your itinerary, upgrade, reserve seats or bags, visit Manage Travel online.

Baggage Fees:

Overweight and oversized checked bag fees apply to:

- Overweight Checked Bags between 41 and 70 pounds (18.6-31.8 kilos): \$50.00 additional per segment.
- Overweight Checked Bags between 71 and 100 pounds (32.2-45.4 kilos): \$75.00 additional per segment.
- Oversize Checked Bags: height + width + depth in excess of 80 linear inches (203.2 cm): \$75.00 additional per segment.

Please note: passengers may bring car seats/strollers, mobility aids or assistive devices, medical equipment such as portable oxygen concentrators or diabetic supplies, food for consumption in flight, a coat, jacket, diaper bag, or an umbrella on board the aircraft without charge.

In accordance with FAA/TSA Security Directives, passengers are restricted to one (1) item of carry-on baggage that does not exceed external dimensions of nine inches by fourteen inches by twenty-two inches (9"H x 14"W x 22"D) (e.g., roll-aboard bag, garment bag, tote bag). This item must be stored in the overhead compartment and is subject to applicable fees. In addition, passengers may bring on-board one (1) smaller personal-type item not to exceed external dimensions of seven inches high by fifteen inches wide by sixteen inches deep (7"H x 15"W x 16"D) (e.g., purse, briefcase, laptop computer, small backpack, small camera), provided that such item is capable of being carried onboard the aircraft by one person without assistance and is capable of being stowed under a seat. Carrier reserves the right to further restrict the size and number of carry-on items whenever necessary. Qualified individuals with a disability will be provided assistance upon request to Carrier's Representatives in loading, stowing, and retrieving carry-on items, including authorized assistive devices.

At Bo	At Booking		Pre Departure	
Checked 1-4	Carry-on	Checked 1-4	Carry-on	All bags

From: Elaissia Sears

Sent: Friday, July 2, 2021 12:26 PM **To:** Don Wilson; Jessica J. Kokal

Subject: Fwd: contract

Attachments: pee-free.pdf; Westie contract 2.rtf

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Merely shows that she sent this to me

----- Forwarded message ------

From: extraordinarylei

Date: Fri, Jul 2, 2021, 12:23 PM

Subject: Fwd: contract To: Elaissia Lei Sears <

----- Forwarded message ------

From: Sherry Fernandez <

Date: Wed, Jul 31, 2019, 6:22 AM

Subject: contract

To: <

Elaissia Sears From:

Friday, July 2, 2021 12:37 PM Sent: To: Don Wilson; Jessica J. Kokal

Subject: Fwd: Gate pass

Attachments: 20190921_164841.jpg; 20190921_164518.jpg

Caution! This message was sent from outside your organization. Allow sender | Block sender also helped out with logistics 's daughter, a dog groomer and trainer. was busy so of getting the puppy. They are located in Grand Junction, Colorado. ----- Forwarded message ------From: extraordinarylei < Date: Fri, Jul 2, 2021, 12:34 PM Subject: Fwd: Gate pass To: Elaissia Lei Sears ----- Forwarded message -----From: Larissa Bloom < Date: Sat, Sep 21, 2019, 4:02 PM Subject: Re: Gate pass To: extraordinarylei <

All clean for trip

On Sat, Sep 21, 2019, 9:37 AM Larissa Bloom > wrote: Just a quick email, see you tomorrow morning, I will be there.

Larissa

is my cell

On Tue, Sep 17, 2019, 7:21 AM Larissa Bloom < > wrote:

Great, thanks! See you Sunday

Larissa

On Mon, Sep 16, 2019, 10:36 PM extraordinarylei <e > wrote:

Hi Larissa!

Thank you for following up.

Confirmation is

On Mon, Sep 16, 2019, 8:43 AM Larissa Bloom < > wrote: I am getting a gate pass to deliver puppy, I need your confirmation#

AFFIDAVIT OF KELLY LOPEZ

STATE OF ARIZONA)
) ss.
County of Maricopa)

- I, Kelly Lopez, being first duly sworn, depose and say:
- 1. I am currently employed as court manager of the West Mesa Justice Court and have been since April 19, 2021.
- 2. Prior to working as court manager of the West Mesa Justice Court, I worked for over 30 years in the Maricopa County Justice Court system.
- 3. I most recently worked from 2000 to 2021 in North Mesa Justice Court, during which time I saw many new judges assume the bench.
- 4. In my experience working in the Maricopa County Justice Court system, there are so many different encounters that occur during a Judge's first several months on the bench that a lot of the new Judge's training is actually through the court staff during those first several months.
- 5. During my employment at the West Mesa Justice Court, Judge Sears has never brought her dog with her to work.
- 6. During my time at the West Mesa Justice Court, Judge Sears has always kept her rulings up-to-date.
- 7. When I arrived at the West Mesa Justice Court, there was a backlog of EDMS filings but I am not aware whether it was a clerk backlog or the Judge's backlog.
- 8. Since late April or early May at the latest, I have not seen any such backlog.
- 9. Judge Sears comes into the courtroom regularly and handles all of her cases.
- 10. There is no set schedule for Judge Sears, nor has it been my experience during my 30+ years in the Maricopa County Justice Court system that a judge is tied to a set schedule.
- 11. Judge Sears may leave on occasion during the day when she has nothing else scheduled, but this is very consistent with what I saw during my 20+ years with North Mesa Justice Court: if the Judge was done with the calendar, he would leave and only come back for a wedding or as needed.

- 12. I do not see any difference in the hours Judge Sears keeps in the courtroom compared with what I've experienced working with other judges during my 30+ years working in the Maricopa County Justice Court system.
- 13. If an Order of Protection comes in when Judge Sears isn't present, typically I will call and the Judge will come back in if available.
- 14. This is also consistent with my experience working with other judges during my 30+ years working in the Maricopa County Justice Court system.
- 15. Shortly after I first began working at the West Mesa Justice Court, I was made aware that prior to my arrival the clerks were simply not contacting the Judge when an Order of Protection came in but were instead sending these individuals away.
- 16. I immediately undertook to implement the protocol that I was familiar with during my 20+ years at North Mesa Justice Court, consistent with the email attached hereto as **Exhibit A**.
- 17. We are in the process of training everyone on this procedure so that issues with the Orders of Protection not being reported to the Judge or otherwise properly redirected will be fully resolved.
- 18. I am not aware of Judge Sears arriving tardy for any hearings or arraignments other than a handful or fewer times in early May at the latest, which I have either personally observed or heard about secondhand.
- 19. Since early May, I have not heard of any instances of Judge Sears' tardiness for arraignments or otherwise.
- 20. I see Judge Sears come in on Fridays even if she doesn't have a calendar, typically to work on whatever is outstanding.
- 21. I also know Judge Sears takes her laptop home to do work.
- 22. I know Judge Sears is working when she is not here because I regularly receive emails from Judge Sears when she's not present in the courthouse.
- 23. When I started with the Court, I noticed that the previous payroll indicated people were working odd hours and it appeared they were being allowed to make up hours on other days to avoid using vacation time, which is not standard procedure.

- 24. When I began to work as court manager at the West Mesa Justice Court, I changed this process and required any staff member's late arrivals and/or early departures to be subject to use of vacation time.
- 25. I am aware that Judge Sears conducts weddings after hours and occasionally outside as a result of COVID-19 protocols, but have never seen her conduct a wedding during business hours in my time at West Mesa Justice Court.
- 26. My prior Judge charged \$80 for weddings; my understanding is \$100 is a standard amount to charge and I am aware that Judge Sears contributes at least some portion of that to the Court.

Further Affiant Sayeth Not.

State of Arizona COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-117

Judge:

Elaissia Sears

Complainant:

ORDER

August 20, 2020

The Complainant alleged a justice of the peace did not offer him an interpreter and made improper rulings.

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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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 Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 20, 2020.

PLEASE NOTE. This milable form is only fully compatible with Microsoft Internet Exploret. CONFIDENTIAL Acres Camoneston on Jude lat Conduct FOR OFFICE UNE ONLY 1961 W. Westington Street, Sinto 229 Comp Present. Amenia Study 602-452-3200 N HOW TO FILE A COMPLAINT AGAINST A JUDGE To file a complaint against a judge, complete this form and send it to the Communion on Judicial Conduct at the address above. The information pour provide will be used to evaluate and threatigate To lower more about the purpose and jurisdiction of the commission and the types of allegations it can introtigate, read the enclosed brochure or viest our website at www.azcourte gov/azcjc. A copy of the commission's rules and the Code of Judicial Conduct can be printed from the website, Under the rules approved by the Arisons Supreme Court, complaints may be made public at the conclusion of their review by the commission or upon the filing of a formal complaint against a judge. It a complaint is dismissed, all personal information will be reducted from what ng information I. Name: 2. Mailing Address: OW: Zip Code: 3. Landline phone: Cell phone Judge's name. ELAISSIA SCARS Location: 5. Cours () municipal (justice superior () court of appeals () supreme court 6. Drd vou have a case before this judge? Yes No.If yes, is the case still pending? Yes a. Case name and number: b. List any attorneys who appeared in the case: Tust myself will be present. c List names and phone numbers of any witnesses who observed the judge's conduct: Tust myself and everyone That was in The court room

7. I understand the commission cannot reverse court orders or assign a new judge to a Yes No

8. Please read the following statement and sign on the line below:

I affirm, under penalty of perjury, that the foregoing information and the eliegations contained in the attached complaint are true.

Signature Date

To whom it may concern:

My name is I would like to make a formal complaint against Honorable judge Elaissia Scars. I attend court and the judge never asked me for a interpreter. My main language is Spanish I even put it down on the forms but never was I once asked for any interpreter. I do speak English and understood most of what the judge saying bit there was so much that I didn't understand. The other party that was in court was . I feel like I was not treated fair and that the judge really never gave me a chance to answer everything I was asking. The judge never even asked for a copy of my lease agreement. 2 weeks later Mr. still has his stuff in my apartment. If I go over to the residence I go to jail. The judge never dismissed the harassment charges and Mr. I gets to keep his belonging in my apartment without paying any rent. I feel because I wasn't even offered a interpreter I felt that he has to remove his belongings that confused and mislead. The judge never even told Mr. are left in the apartment. I think this is very unfair to me as I have other families that would like to rent the apartment especially during these hard time that we are going through with the Cornovirus. All I want to do is put this situation behind me but how can I when the judge never ordered Mr. to remove his belonging and give him a date that he has to be out of my apartment complex. Mr. still owns me rent for last month and late fees and he still gets to leave his belongings in the apartment and go and come as he pleases when ever he wants to . Does this even sound fair to you? All I want is to be able to receive the money I am owed and to be able to rent the apartment that Mr. This actually would of happened if I was able to ask the right questions to the judge with a interpreter. Please look into this matter for me I really would appreciate it because I honestly do not know what to do at this time.

04/01/2020

From: Elaissia Sears

Don Wilson; Jessica J. Kokal FW: Newsletter - 1/31/20 To: Subject: Date: Friday, July 2, 2021 12:21:38 PM

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Our staged engagement approved through MCJC.

----- Forwarded message -----From: Elaissia Sears - MCJCX < Date: Mon, Feb 10, 2020, 10:28 AM Subject: FW: Newsletter - 1/31/20

To: Elaissia Sears

>

From: Justice Courts [mailto

Sent: Friday, January 31, 2020 12:01 PM

To: Elaissia Sears - MCJCX < Subject: Newsletter - 1/31/20 <u>v></u>

Just Us Courts... 2 Maricopa County Justice Courts Weekly Newsletter January 31, 2020



Guilty! Of Love in the First Degree

A funny thing happened on the way to an OP.

Manager Ginger Rodas (West Mesa) asked Judge Elaissia Sears to head back to court after this month's Bench meeting so she could handle a protective order.

Only, there was no red file; it was a ruse to get the Judge in court so her boyfriend could propose!

The video is on Judge Sears' Facebook page.

The Judge said she and her fiancé, Sowan Thai, have been engaged for a long time but there hadn't been an official proposal... until now!

And this week, Sears and Thai jetted off to Puerto Rico for the wedding on Sunday: 02-02-2020.

Congratulations to the happy couple!



Ruth Retires

In another big life change, **Ruth Davis** (Arrowhead) decided it was time to retire after 21 years with the Justice Courts.

Manager Jane Miller simply gushes about her longtime clerk and friend:

"She is one the most dedicated, responsible, dependable individuals I have ever had the pleasure of supervising. She is kind hearted, thoughtful and generous. She has been through many judges, experienced peaceful times and turbulent times in this court over the years, but has always been a faithful employee of the Justice Courts. A DPS Officer



we have both known for all of these years said 'it will take 3 people to replace Ruth' and I

thought, you are absolutely right. I will miss her, the court will miss her, but I am personally looking forward to a continuing my friendship with her."

Ruth said she has enjoyed her 21 years with the County and has worked with some wonderful people. Her plans are to volunteer at a grade school and at a hospital.

Ruth's last day will be Monday, February 3rd.

Enjoy!



Constable Awards

Congratulations to Chris
Mueller and Linda
Harris from the Maricopa
County Constables
department!

Mueller received the "Deputy of the Year" award and Harris was named as Support Staff



of the Year. Both received their honors at the Arizona Constables Association conference in Tubac last week.

ACA members from across the state attended training sessions, then voted on both awards at the closing banquet.

Keep up the good work!



StandDown WrapUp

Final numbers are complete for last week's Maricopa County StandDown- the largest ever, with more than 2,200 veterans in attendance. Of course, that is both



a good and a bad thing. Organizers always want to help as many veterans as possible, but the ultimate goal is to *lessen* the need.

Lisa Collins (Agua Fria) presents the following Justice Courts stats from the two-day event:

- 102 veterans seen
- 127 cases touched
- · 371 hours of Community Service assigned
- \$57,451.29 in fines waived in lieu of Community Service
- \$26,653.69 in other fines suspended outright
- 26 from MCJC worked the StandDown booth.

It takes thousands of people to put the event on each year. One of those volunteers is Zakari Lee- a veteran himself who shared his story with Lisa. She, in turn, wants to share it with you:

"At the end of Friday he came to us and thanked our staff members, recognizing that none of us *had* to be there, but *wanted* to be there. He credited us with giving his life back and saving his children. As a result of the StandDown, over a number of years he has taken care of \$26,000 in fines and now comes back to the StandDown to volunteer.

"Zakari is a character and everyone enjoys seeing him. He makes a point every year to talk with **Cheryl Brown** [Judge Pro-Tem, VAC]. He also credited us with helping him to become a business owner and he gave each of us his card for his business, LEVEL UP Mobile Detailing. This is the reason that we do this. We want to make a difference in people's lives. Several years ago a gentleman showed me an 8x10 picture of a beautiful semi truck that he would be driving because he was finally getting his driving privileges reinstated and would be able to get his CDL."

"Just like **Cathy** [Greenberg, North Valley] and **Yvonne** [Mendoza, Maryvale] and some of the other staff that worked the event, I can't wait for next year's StandDown to do it again. I do hope and pray that our need isn't as great next year, but we'll be there as long as there is a need."

Not only is Zakari's story inspiring, but so is the enthusiasm and joy that our staff feel when they work the event.

Thank you all!

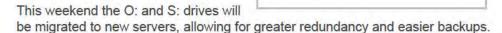


O: and S: Drives

You should have received an email this week about moving the O: and S: drives. Here are the details once again-

it's that important!

Technology is always moving forward and we must move with it.



drives

On your last day of work this week, please take the following steps:

- Close any open files and folders. Even if you think they don't reside on either of those drives, close them anyway. Computers are finicky.
- Close all programs at the end of the day and restart your computer.
- · Do not log in- just leave it.
- Do this same process of closing files and rebooting on all computers- not just the one at your desk. Don't forget courtooms, hearing rooms, etc!

CTS will remap the O: and S: drives to their new servers over the weekend.

As long as the above steps are followed, you should see no difference next week when you log in.

After the migration, anyone who did **not** reboot their PC Friday will not have access to those drives. A reboot ***should*** fix that issue if it happens.



Furry Friday

Her name means "half" but **Demi** is definitely *more* than that!

This sweet seven-year-old Pit Bull Terrier loves to be around people, and is super-smart. She knows the basics like sit, shake, and down, and is eager to learn more. Just look how happy she seems!

Demi is at the East Valley shelter of Animal Care & Control, just waiting for the right person to take her home.

Click her picture for more, or <u>look here</u> to see who else is available.





Got something you'd like to see in an upcoming newsletter? Email me!

From: Elaissia Sears

To: <u>Don Wilson; Jessica J. Kokal</u>
Subject: FW: Post-Wedding

Date: Friday, July 2, 2021 12:19:21 PM

Attachments: image001.jpg

image001.jpg FirstLook.jpg FlamencoBeach.jpg LastNightCulebra.jpg

OSJ.jpq RedSnapper.jpq SanFelipeElMorro.jpq

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>

----- Forwarded message -----

From: Elaissia Sears (MJC) < Date: Fri, Jul 2, 2021, 12:00 PM Subject: Fw: Post-Wedding

To: Elaissia Sears <

From: Elaissia Sears - MCJCX

Sent: Tuesday, February 11, 2020 1:36 PM

To: West Mesa Staff - MCJCX <

Subject: Post-Wedding

Hello all,

I hope you had a great week while I was away! Thank you so much for the card, it is very sweet and will be framed.

<u>V</u>>

This time I did a better job at getting pictures to show you, I hope you like them.

The professional photos should be done in a couple weeks, I'm glad my friends took a couple of us.

The first half of the trip we were in Old San Juan, which is also where we got married (picture is the location, but not our ceremony!)



The second half was in Culebra, a smaller island off the coast of PR.

No earthquakes ©

P.S. We are having a large ceremony & reception here for our Arizona friends and family!

You are all welcome to attend with your families (there will be food!)

Location details coming soon, but it will be on Friday, April 17th.

Wedding Website and Registry: https://