

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-192

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in improper campaign activities.

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 improperly implied that another judge endorsed him in a campaign mailer. While this was improper under Rules 4.1(B) and 4.2(A)(4) 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 ensure that any future campaign materials fully comply with Canon 4 of the Code.

Commission member Michael J. 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.

20-192

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

_____ He is the current _____ Court Judge _____ My _____ Judge _____
Judge _____ has put out signs for his campaign that imply endorsement of a judicial candidate by a law enforcement official, _____ Judge _____ and _____ signs are side-by-side of either with signs touching or in close proximity of one another throughout the _____ at _____ on the _____ and _____ alongside of the road; and in the _____ and _____ Having the _____ signs and Judge _____ signs touching each other implies endorsement of a Judicial Candidate by a Law Enforcement Official and creates the same appearance for other signs that are in very close proximity next of one another.

Rule 4.1(A)(3) of the Arizona Code of Judicial Conduct says in pertinent part: "in General (A) (3) publicly endorse or oppose another candidate for any public office."

Rule 4.3 (B) may also apply as it refers to "campaign materials" that "[m]anifest bias or prejudice toward an opponent."

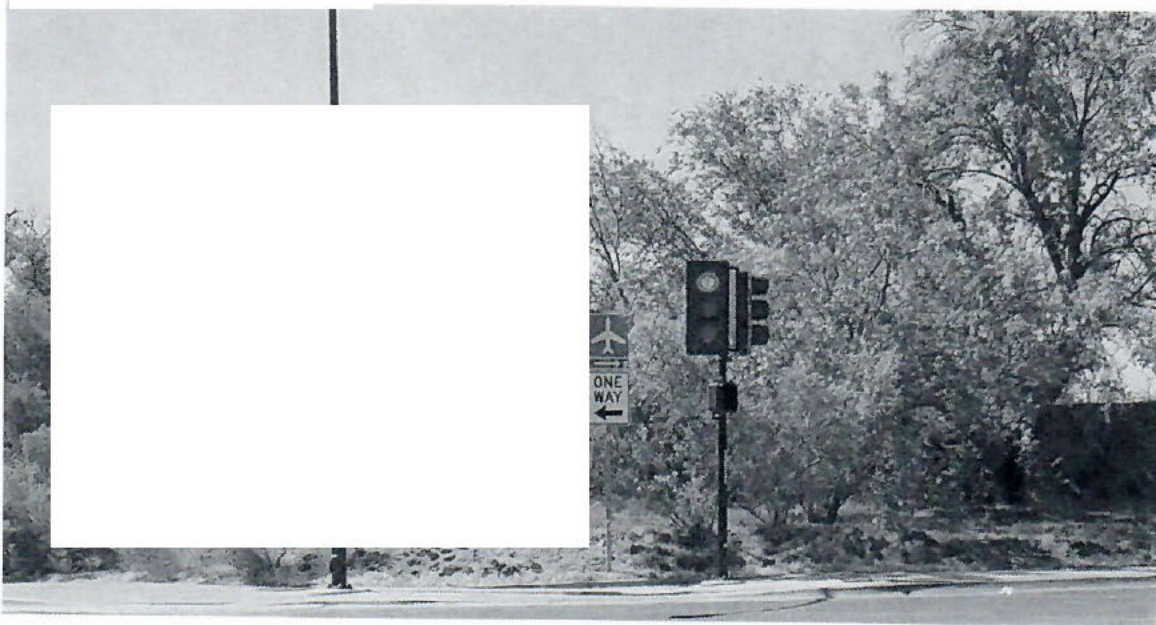
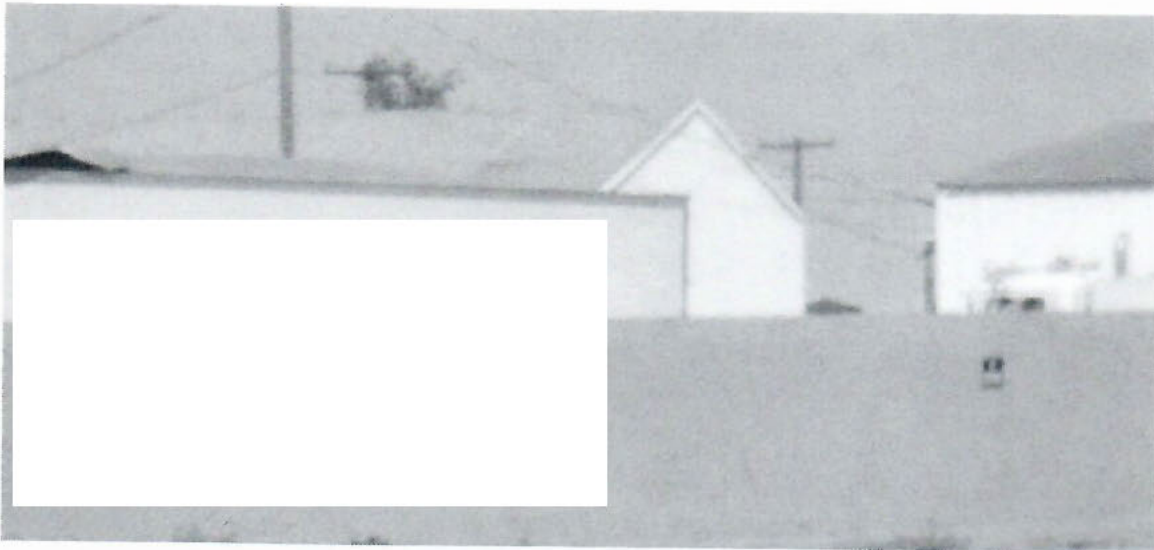
Judicial Ethics Advisory Opinion 96-12 sets out, " Endorsement of a Judicial Candidate by a Law Enforcement Official, Judicial candidates may not solicit or publicize endorsements that portray them as a "law enforcement" candidate, including endorsements from law enforcement officials."

I am sending along some of the photos of Judge _____ signs abutting and in close proximity to _____ signs.

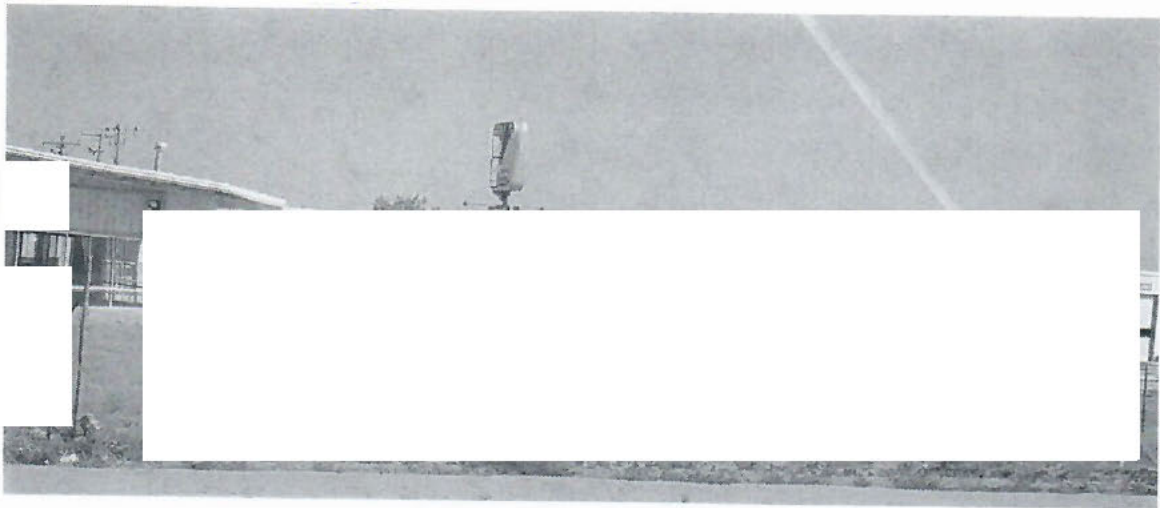
Thanks for your help with this.

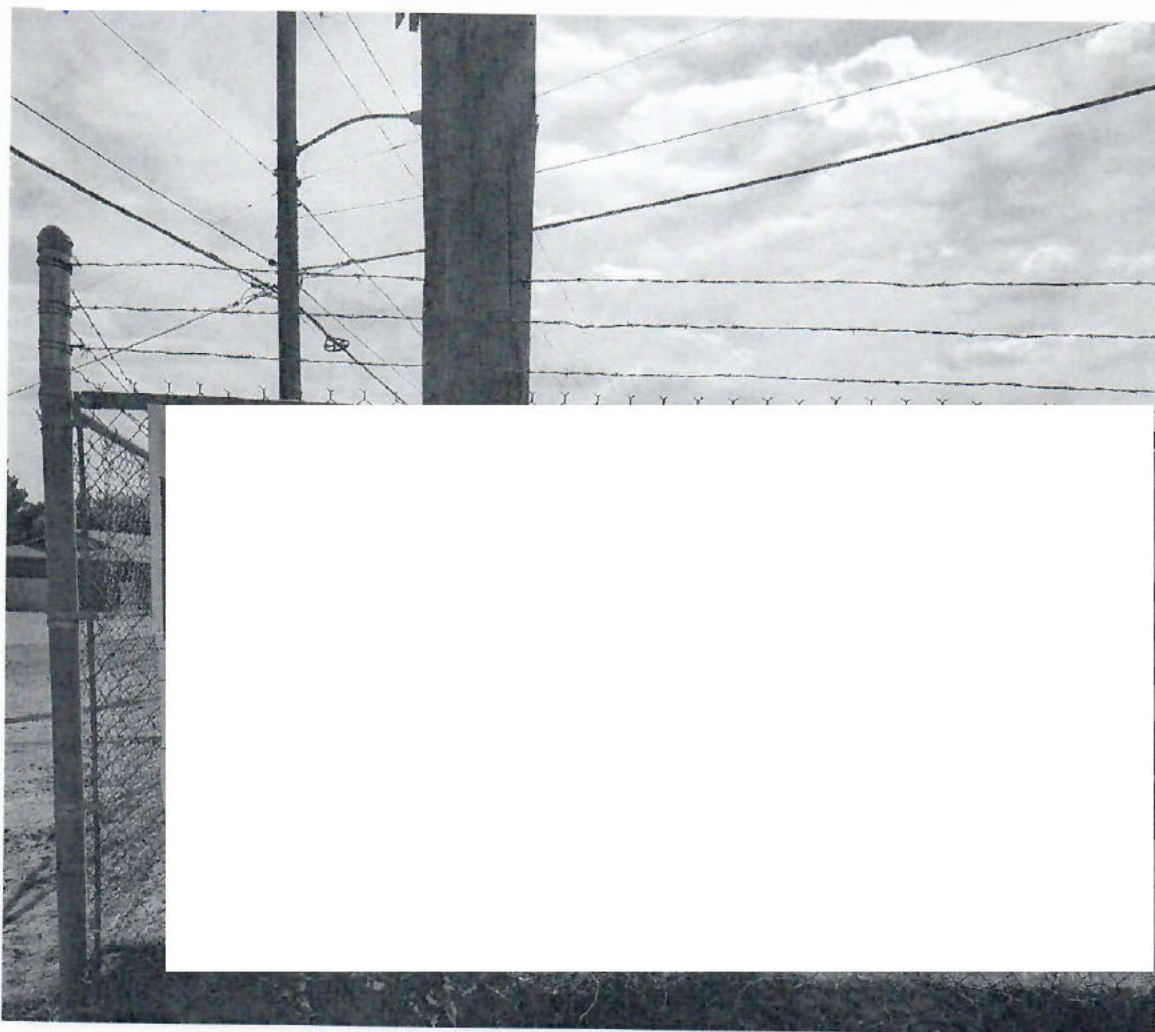
Sincerely,

/s/









**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**