

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-273

Judge:

Complainant:

ORDER

January 27, 2021

The Complainant alleged a judicial officer gave an improper interview about prior judicial discipline.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Michael J. Brown, 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 January 27, 2021.

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HON.
IN AND FOR THE COUNTY OF

STATE OF ARIZONA 2020-273

In re to the matter of: Judge	JUDICIAL CONDUCT COMPLAINT
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This complaint is against Judge _____ of the _____

First, I would like to state that I take no pleasure in this or satisfaction from filing a complaint _____ Per the Arizona Code of Judicial Conduct Ethics Mandate, I report these violations as the _____

CANON 3 A(5), A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY; A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply. (5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

CANON 2 A, A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES; A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

In the _____ newspaper article, Judge _____ In the article which I have attached a copy, " _____ " A belief that she still holds. A violation of CANON 3 A(5) and CANON 2 A.

_____ whether it be _____ we In the picture attached to the news article where Judge _____ is posing and displaying the conflict of interest rules she has affixed to her bench, next to it is the CANON of Ethics.

My complaint is basically this, a judge is _____ The interview she gave which was _____ of our local newspaper undermines the judiciary by her own words, and accusations.

Acknowledged this _ day of _

✓

COUNTY—The ongoing feud between
practices law in the county, and
an attorney, appears to have paused after the judge was
Arizona Commission on Judicial Conduct by order dated

who
also
by the

Last year, Judge [redacted] had filed a complaint with the State Bar of Arizona alleging ethical violations against [redacted] but the State Bar found it lacked evidence and took no action against him.

[redacted] subsequently filed a complaint against the judge with the judicial conduct commission. In rather stark language from [redacted]

[redacted] they each point blank accused each other of lying, and in her response to the commission, [redacted] also accused [redacted] of “ [redacted] ” a belief that she still holds. It's hard to pin point when the difficulties between these [redacted] began, but it appears that it's been [redacted]

In fact, in a span of [redacted] [redacted] has filed the mentioned bar complaint against [redacted] and issued [redacted]

[redacted] has a contract with the county to provided legal services for [redacted] some of whom have cases pending in [redacted]

She ultimately [redacted] — a contempt order against an attorney can be a very serious matter. It can result in the attorney suffering financial penalties, trouble with the State Bar and a lawyer's malpractice insurance premiums going up.

The judicial complaint against [redacted]

The judicial commission's file on [redacted] complaint against [redacted] exceeds [redacted] of documents including the complaint, [redacted] response, exhibits and the commission's order of reprimand. The commission took no action on most of the allegations against [redacted], finding a lack of evidence, similar to what the State Bar did with [redacted] complaint against [redacted]

But the commission did find two ethical violations against the judge — specifically it found that she did not to the letter handle possible conflict of interest issues, and found that there was an “appearance of impropriety” regarding an alleged bias against [redacted] although “actual bias” wasn’t proven.

The conflict of interest issue arose because she is not only the [redacted] but she also [redacted] where [redacted] during her tenure as judge and [redacted] there.

[redacted] sat down with [redacted] to to discuss the matter. She claimed that she was aware of the appearance of conflict before [redacted] but after consulting with legal and judicial authorities, believed that she could cure any appearance of conflict.

In fact, there is indeed an ethical rule that allows a judge to hear cases if the judge discloses the apparent conflict and both sides still want that judge to hear the case. That situation isn’t unusual in small communities in the state.

She accomplished the cure by attaching the actual rule to her bench, and anytime there was a [redacted] case, made her disclosures and gave each side an opportunity to have a different judge.

With regard to cases wherein [redacted] was involved, she point blank wouldn’t hear them. She said that most of the time, the parties waived the conflict and she heard the cases, including many of [redacted] who opted out of having a different judge.

But the fine print in the rule says that once the potential conflict is disclosed, the parties have to think about it outside the judge’s presence and she didn’t always order them out of the courtroom to make their decision. [redacted] She has since started doing that with [redacted] cases and [redacted]

With regard to the second issue of "appearing" to hold a bias against (the
the judge " " with she
said. explained that she actually recommended
criminal law.

The Bar complaint against

After started his contract, she said that she became exasperated with his conduct
and " " for the judicial office that she holds. She told the State Bar about "

She wrote that "I " that won't sign
in like everyone else does and she has had "I "

Moreover, she claims that didn't show up for cases, such as an eviction
trial.

Before she went ahead with her complaint, she talked it over with a Bar official, a screener
of sorts for Bar complaints. That individual told her that, based on what she was saying
about especially the allegedly missed court dates, that it was the screener's
belief that she was required to report under State Bar rules.

But when formally filed a complaint, the State Bar took no action and the matter
ended.

That's when things escalated.

wrote a letter to the asking for permission to
remove for all his cases. Any litigant, either side, has the right to " ' a judge
in a single case under the rules of court, and to get another judge.

**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.**