

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-274

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Judge: Samuel T. Goodman

Complainant: Keith E. Russell

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**ORDER**

A presiding judge submitted a complaint regarding another judge's failure to abide by administrative orders relating to the COVID-19 pandemic.

The Commission concluded that Judge Goodman repeatedly failed to abide by administrative orders issued by the Arizona Supreme Court and the Maricopa County Superior Court regarding the use of face coverings in court facilities. Judge Goodman's failure to wear a face covering when interacting with the public and staff – as required by the administrative orders – caused some court personnel to refuse to enter his courtroom and led to distress among court employees. Judge Goodman's conduct persisted, despite counseling and admonitions by two presiding judges. He also failed to require individuals in his courtroom to abide by administrative orders regarding the use of face coverings and appeared to publicly denigrate those orders.

Judge Goodman's conduct needlessly consumed judicial time and resources, including an internal investigation, witness interviews, and repeated interventions by two presiding judges. After Judge Goodman was ordered to work only in the courtroom or his office, he violated that directive, resulting in an order banning him from the courthouse entirely, requiring judges *pro tem* to preside over matters that could not be handled remotely. The Commission rejected Judge Goodman's characterization of his conduct as "[s]poradic human omissions."

Under the Arizona Constitution, the Arizona Supreme Court has administrative supervision over all courts of the state. Art. 6, § 3. The Constitution further confers on the supreme court the "power to make rules relative to all procedural matters in any court." Art. 6, § 5. Whether an individual judicial officer agrees or disagrees with the supreme court's mandates about face coverings is irrelevant. Unless an administrative order is successfully challenged or modified, a judicial officer must comply with it.

Rule 1.1 of the Code of Judicial Conduct requires judges to comply with the law. Rule 1.2 requires judicial officers to “avoid impropriety and the appearance of impropriety.” The Code defines “impropriety” as including conduct that violates the law or court rules. The Code defines “law” to include “court rules as well as ordinances, regulations, statutes, constitutional provisions, and decisional law.” Additionally, Rule 2.5(B) requires a judge to “reasonably cooperate with other judges and court officials in the administration of court business.”

The Commission was also concerned about Judge Goodman’s refusal to regularly review his court emails. Judge Goodman stated that he opens court emails “maybe once a month.” Important court business is conducted via email, particularly during the time period at issue here, when pandemic-related communications and orders were commonplace. Such a practice is also inconsistent with the obligations imposed by Rule 2.5(B).

Accordingly, Justice of the Peace Samuel T. Goodman is publicly reprimanded for the conduct described above, in violation of Rules 1.1, 1.2, and 2.5, and pursuant to Commission Rule 17(a). Judge Goodman is further ordered to review a podcast presented by Judge Keith Russell and Margaret Downie in August of 2020 to the Maricopa County Justice Courts regarding pandemic-related issues and the duty to abide by administrative orders. Judge Goodman shall complete that review within 30 days of the date of this order and shall report his compliance to the Commission’s Executive Director. The record in this case shall be made public as required by Commission Rule 9(a).

Commission member Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: May 13, 2021

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on May 13, 2021.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2020-274

**COMPLAINT AGAINST A JUDGE**

Name: Keith E. Russell Judge's Name: Sam Goodman

**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.

It has been alleged on several occasions that Judge Sam Goodman the Justice of the Peace in the San Tan Justice Court, Maricopa County, Arizona, has violated the Administrative Orders (AO's) of the Arizona Supreme Court as well as The Presiding Judge of Maricopa County Superior Court dealing with the wearing of face coverings on multiple occasions. (Orders in place at the times of potential violations were Supreme Court AO 2020-79, 2020-114 and 2020-143, and Maricopa County Superior Court AO 2020-079).

Somewhere in the middle part of the month of June 2020, I received a phone call from an employee located in the same building where Judge Goodman is located (The San Tan Complex). The caller shared that Judge Goodman was not conforming to the current Supreme Court and the Maricopa County Superior Court Administrative Orders dealing with face coverings.

On July 1, 2020, an email was sent to the Administrator of the Maricopa County Justice Courts stating Judge Goodman was not wearing a mask in the clerk area of the building and a photograph of him was attached to the email appearing to not be wearing a mask.

On July 7, 2020, I was informed that a court interpreter indicated they would no longer be willing to go into Judge Goodman's courtroom because he did not wear a face covering and did not require others to wear a face covering in his courtroom.

On July 8, 2020, I became aware of a photograph that was provided to The Presiding Judge of the Maricopa County Superior Court and taken on July 7th showing Judge Goodman in the clerk area without a mask.

On August 26, 2020, I received an email from The Presiding Judge of the Maricopa County Superior Court indicating that he had received another email indicating Judge Goodman had not been wearing a mask in the clerk area.

I personally talked with Judge Goodman after each of these reports and encouraged him to follow the AO's. On several of these conversations, we reviewed the expectations of the AO's. I told Judge Goodman if he was not able to conform to the AO's I would be compelled to file a Judicial Complaint. I thought Judge Goodman was conforming to these expectations since no additional complaints were received from July 9th until almost the end of August. Unfortunately, when the August 26th complaint was received I informed Judge Goodman I would be filing this complaint with the Commission. I have talked with the Presiding Judge at the Maricopa County Superior Court and he is aware I am filing this complaint with the Commission.

*Resp*  
2020-274

Samuel T. Goodman  
Justice of the Peace  
San Tan Justice Court  
201 E Chicago Street, Suite #102  
Chandler, AZ 85225  
November 5, 2020

NOV 06 2020

Judicial Commission Members:

I am responding to complaint 2020-274 regarding the allegations that I have violated the Administrative Orders of the Arizona Supreme Court as well as the Presiding Judge of Maricopa County Superior Court dealing with the wearing of face coverings.

First I would like to make it known that it was never my intention to purposely violate AO #2020-079. I would never intentionally put my direct staff or other court staff in the San Tan Regional Court Center at risk.

I admit that I was not previously being diligent about wearing my mask properly but I believed that my documented health issues fell in line with the CDC guidelines for exempt individuals and that I was in fact following the Administrative Order by only removing my mask when I was in my clerical area workspace but still maintaining a distance of six feet from staff.

I met with Judge Welty early July and he explained to me his expectations and cleared up any questions I had, since our meeting I have stayed in compliance of the order with the exception of the August date. I got up from the desk and started to walk up to the counter, I realized I had forgot my mask and immediately put it on. The two pictures provided in the complaint, I am in fact wearing a mask.

I would like to assure the Commission that I am now extremely diligent about wearing a mask and maintaining proper social distancing. I appreciate the seriousness of the Administrative Order and can assure the Commission it will not happen again.

Feel free to contact me if you require any further information.

Sincerely,

Samuel T. Goodman  
Justice of the Peace

Resp SUPP 1  
2020-274

MAR 29 2021

March 29, 2021

Commission on Judicial Conduct  
1501 West Washington, Suite 229  
Phoenix, Arizona 85007

Re: CJC Case No. 20-274

Dear Commission Members:

This letter is my response to a follow-letter from your office dated February 25, 2021.

1) My current health status:

In response to your specific inquiries:

- a) Judge Russell was aware of [REDACTED] before our first discussion. During my second visit with Judge Welty, we discussed my current health struggles.
- b) I never filed an ADA claim seeking an accommodation. I began working virtually in November of 2020. As a result, by the time I received Judge Welty's January 21, 2021 directive to request an ADA accommodation, I was no longer present in the court building, and ADA accommodation seemed moot.

2) COVID diagnosis:

Upon learning that [REDACTED] had been diagnosed as COVID positive, I immediately instructed my Court Manager, [REDACTED], to contact Human Resources (herein "HR") and follow all written protocols then in place and any additional directives HR might provide. [REDACTED] could provide additional details about our response to positive test.

I do recall that HR held an audio conference with myself and the entire court staff to review safety protocols and ascertain if anyone needed to quarantine. Based on her proximity to [REDACTED], my Deputy Court Manager, [REDACTED], was instructed to self-quarantine for seven days. After she remained symptom free, HR permitted [REDACTED] to return to work after the seven-day quarantine period.

3) Mr. Carpenter's interview memos:

For almost three decades, I have interacted with people at the front counter on a daily basis. As such, it has become second nature to me. Sporadic human omissions do not equate to defiance of an administrative directive. Especially since, as noted, on those rare occasions in October and November when I spoke with people at the counter, I did always wear a mask.

At our current building, my chambers are located next to the courtrooms which is some distance away from my clerks. For the entire time we have been in our current location, I have maintained a separate work station next to the clerks to review and rule on the constant multitude of civil motions and petitions (garnishments, etc.) that come to my court. HR instructed us that neither I, nor my clerks, needed to wear our face masks while we are working at our individual work stations. If I occasionally forgot to put on my mask when I got up from my workstation in November of last year, it was simply an oversight. The assertion that I instructed my staff to act as look outs for me so that I could defy administrative directives is ludicrous.

4) My delayed email responses:

We all have our preferred methods of communication. My staff, HR, Justice Court Administration and Judge Russell have all known for years that if they need an urgent response they should utilize text to contact me.

5) My July 7, 2020 statement:

The quote from July 7, 2020 has been taken out of context. I am enclosing with this response a DVD containing about a five-minute segment from FTR for July 7, 2020, plus a transcript of that brief DVD.

Multiple civil traffic hearings had been scheduled for the afternoon of July 7, 2020. As I did an initial roll call, I reminded everyone to stay at least six feet away from each other. [See, Transcript, Page 2, Line 14].

When a specific civil traffic hearing is called, the law enforcement officer sits alone at the prosecutor's table. The defendant at issue sits alone at the defense table which is socially distanced from the officer's table. Both the officer and the defendant are located at least twenty feet away from my position behind the bench.

Since most defendants do not retain an attorney for a civil traffic hearing, I always provide a brief summary of the process. [See, Transcript Page 3, Line 17 through Page 4, Line 9]. After swearing in all who were going to testify, I advised everyone that civil traffic hearings are recorded to preserve their right to appeal. The quote set forth in your letter begins on Page 4, Line 21 of the Transcript, immediately after I advise everyone the hearings are being recorded. The limited quote contained in your letter fails to set forth my follow up instructions about the need for an accurate and clear record. [See, Transcript, Page 5, Lines 5-20].

Reviewing the DVD and the transcript with 20/20 hindsight, I appreciate that I could have been more articulate and clarified that we all needed to abide by the current Administrative Orders while (at the same time) providing everyone with their opportunity to be heard and have that testimony preserved. Nonetheless, at that time, we were all socially distanced and I felt that we were safely taking care of the business of the court. There was absolutely no intent to defy standing Administrative Orders.

6) My current work status:

I began working virtually around Thanksgiving of 2020 and continue to actively manage my caseload with the help of modern technology. For those cases that require an in-person judge, I have a highly qualified pro-tem judge who assists with the court calendar as needed.

Judge Welty has not yet given me permission to physically return to the court building.

I have never had a defiant personality. I seriously regret if any of my careless actions created the appearance that I am a judge who ignored the directives from the Supreme Court or Judge Welty.

Please advise me if you need additional information.

Sincerely,

Samuel T. Goodman  
Justice of the Peace

Enclosures

**SAN TAN JUSTICE COURT**

**201 EAST CHICAGO STREET, CHANDLER, ARIZONA 85225**

### Transcript of Proceedings

July 7, 2020

1 JUDGE GOODMAN: -get something. Go ahead and go to the front counter and ask  
2 the staff that you want something in writing that it's  
3 dismissed. And, basically, what it's gonna do – they're gonna  
4 make a copy of the citation with a code forty-three on it.  
5 That's the code we send the Motor Vehicle Department that  
6 shows it's dismissed. Then that will be your records and you  
7 can have that. And the – today's date's on it.

8 UNKNOWN: Thank you, sir.

9 | JUDGE GOODMAN: Okay, sir. ?

10 : [inaudible]  
11 JUDGE GOODMAN: And is there an from ? Okay, sir. Thank  
12 you. We have a [SP]? I don't think I got that  
13 right, but let's - *[door closing]* Sir, go ahead and just - yeah,  
14 stay about six feet from everybody. Maybe over there on that  
15 back row.

16 UNKNOWN MALE: Right here?

17 JUDGE GOODMAN: That'll be fine. Is there a Trooper [SP]?

18 | TROOPER : Right here.

19 JUDGE GOODMAN: Okay, sir. Is there a [SP]?

20 : [inaudible]

1 JUDGE GOODMAN: /Inaudible/? And we have Trooper ? And  
2 : – would you pronounce your last name for me?  
3 : Would you pronounce your last name for me?  
4 : .  
5 JUDGE GOODMAN: Now how do you – how do I pronounce it?  
6 : .  
7 JUDGE GOODMAN: Pardon?  
8 : .  
9 JUDGE GOODMAN: ?  
10 : .  
11 JUDGE GOODMAN: ?  
12 : Yes.  
13 JUDGE GOODMAN: Okay. I might have to have you do it again for me whenever  
14 : you get to my case, so sorry about that.  
15 : Alright.  
16 JUDGE GOODMAN: Detective – or Trooper, same with yours. Okay. Alright, did  
17 : everybody call? Everybody's name's called? Okay. The way  
18 : these hearings are gonna be, the officers will be testifying  
19 : first. After they've testified, anybody that was cited can ask  
20 : questions to the officers or the deputy or the trooper. Whatever  
21 : - whatever agency they are appearing for. And I may have

1                   questions for them as well. Whenever they've completed their  
2                   questioning, then each of you that were cited have an  
3                   opportunity to ask questions. And then after that, I'll have the  
4                   deputies or troopers or the officers will give the last statement  
5                   because they're here a witness for the State. They always get  
6                   last say, the State.

7   **UNKNOWN:**                   Mm hmm.

8   **JUDGE GOODMAN:**           And then I'll make a decision. Rarely, will I do – take a civil  
9                   traffic matter under advisement. I rule on today. So. Will  
10                  everybody who's going to be testifying raise your right hand  
11                  and we'll take care of that all at once. Do you swear or affirm  
12                  the testimony you have for the court is the truth and nothing  
13                  but the truth so help you God?

14   **VARIOUS:**                   Yes, sir.

15   **VARIOUS:**                   Yes.

16   **JUDGE GOODMAN:**           Okay.

17   **DEPUTY**                   :     Can you hear me okay? Okay.

18   **JUDGE GOODMAN:**           I can hear you.

19   **DEPUTY**                   :     Alright.

20   **JUDGE GOODMAN:**           And this matter's being recorded for appeal purposes, so  
21                  you'll need to speak into the microphones. Now, regarding the

1 mask. To get in the building, you had to have a mask on.  
2 When you're in the court room, I'll leave it up to each one of  
3 you to decide what you want to do. However you feel  
4 comfortable. I work for the government, but I am not gonna be  
5 government telling people what to do with their lives. If you  
6 want to leave your mask on that's fine, but when you testify,  
7 you're gonna have to pull that mask down because I have to  
8 preserve a record. And if I'm just hear mumbling, that's what  
9 we're gonna get on the record. So when you testify, you're  
10 gonna have to pull the mask down a little bit. When you get  
11 done, pull it back up if that's what you want to do. Question?

12 **UNKNOWN FEMALE:** If I'm able to annunciate with my mask on, would it be okay  
13 to keep it on, Your Honor?

14 **JUDGE GOODMAN:** Yes.

15 **UNKNOWN FEMALE:** Okay.

16 **JUDGE GOODMAN:** As long as – if you're doing like you're doing now, then that's  
17 fine. Like I said, it's a personal thing. I'm gonna respect that.

18 **UNKNOWN FEMALE:** Thank you.

19 **JUDGE GOODMAN:** But if it's gonna interfere with my record, then you're gonna  
20 have to make adjustments, not me or the record.

21 **UNKNOWN FEMALE:** Okay.

**JUDGE GOODMAN:** The way you talked right there. Perfect. We're good.

2 UNKNOWN FEMALE: Okay, Thank you, Your Honor.

3 JUDGE GOODMAN: Okay. Go ahead, ma'am.

4 DEPUTY : Yes, sir. I'm . I'm a deputy with the

of , I was on patrol in the area of Road, east of Road. I was travelling east. I had my moving radar on in the vehicle. I saw a travelling westbound at a higher rate of speed than the posted forty-five mile an hour limit. I saw on my radar that the vehicle was travelling at sixty-four miles an hour in the forty-five mile an hour zone. I made a U-turn and pulled over the driver who's seated to my left, who identify-

14 [END OF RECORDING]

Resp Supp I Attach 1 - Hrg CD (7-7-20)

2020-274

MAR 29 2021

