

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaints 20-288 and 20-315

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Judge:

Complainants:

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**ORDER**

The complainants alleged that a justice of the peace was verbally hostile and unprofessional in emails sent to other judicial officers as well as court staff. In addition, one complainant alleged that the justice of the peace displayed gender and racial bias against her and another justice of the peace.

Among other things, the Commission's investigation revealed severe discord amongst the justices of the peace, and concerns were raised about use of the Commission for improper purposes. For these reasons, the Commission has chosen to clarify its role in the judicial system.

The Commission is a regulatory body, whose role is to impartially determine if 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 is not a body that is meant to supervise, monitor, or otherwise engage in administrative duties over a judicial officer(s) or courthouses. Under Commission Rule 2, "The purpose of the commission is to administer the judicial discipline and incapacity system established by the constitution." Additionally, Commission Rule 5 states, "The purpose of the judicial discipline and incapacity system is to protect the public and to maintain high standards for the judiciary and the administration of justice. Any disciplinary remedy or sanction 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." The Commission is not intended to be a body which mediates interpersonal disputes or power struggles between duly-elected judicial officers.

The Commission investigates and decides complaints which are submitted to it. Discipline can only be administered upon a finding of clear and convincing

evidence, not speculation, hearsay, or other such conjecture. This is an exacting standard only surpassed by the burden of proof required in criminal prosecutions.

After careful review and investigation of the complaints in this matter, the Commission found clear and convincing evidence that the judge had sent hostile, unprofessional, and undignified emails to other judicial officers, and in some instances, copied the entire staff of the court on the emails. While this was improper under Rules 1.2 and 2.8(B) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him to ensure that his communications with other judicial officers, especially when court staff is involved, should be professional, courteous, and dignified. To do less than that brings the judiciary into disrepute.

There was not clear and convincing evidence to support the remaining allegations of the complaint.

Commission members Roger D. Barton and Christopher P. Staring did not participate in the consideration of this matter.

Dated: November 12, 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 November 12, 2021.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-288

**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.

As a \_\_\_\_\_ who will not be seeking \_\_\_\_\_, I believe I am in position to speak freely and without fear of retaliation regarding the hostile working environment that \_\_\_\_\_ has created for women at the \_\_\_\_\_ Court.

On an email thread that started on \_\_\_\_\_ Judge \_\_\_\_\_ inappropriately indicated that in the future, he was going to send all my cases that were in front on him on his arraignment rotations and on his Jail Video rotations to me rather than handle them on his rotation. This was punishment for pointing out that he inappropriately sentenced a criminal case that had been handled by me prior to trial and by my Pro Tem Judge at trial. For \_\_\_\_\_ he started putting all these arraignments and in-custody pre-trials on my calendar rather than handling them on his rotation. I asked \_\_\_\_\_ Judge \_\_\_\_\_ and \_\_\_\_\_ Judge \_\_\_\_\_ to intercede. Eventually, I had to have an uncomfortable conversation myself with Judge \_\_\_\_\_ to get him to stop putting all these cases on my calendar inappropriately. He clearly was abusing his power as \_\_\_\_\_ Judge in reassigning cases to me as punishment for pointing out that I wanted to sentence a Defendant on a case that I had handled. This is in violation of Rule 2.5 (B). (See Attached A email thread)

Soon after Judge \_\_\_\_\_ was \_\_\_\_\_ a bench meeting was held on \_\_\_\_\_ All the JP's were present including myself, along with \_\_\_\_\_ Judge \_\_\_\_\_ of \_\_\_\_\_ Court, \_\_\_\_\_ Court \_\_\_\_\_ and \_\_\_\_\_ of the \_\_\_\_\_ Office. At this meeting, Judge \_\_\_\_\_ who is the \_\_\_\_\_ Judge for the \_\_\_\_\_ Court, displayed overt and outright contempt for the appointment of Judge \_\_\_\_\_ to \_\_\_\_\_ Judge. Judge \_\_\_\_\_ had created an agenda for the meeting and announced it by email. But when \_\_\_\_\_ tried to speak at the meeting \_\_\_\_\_ Judge, Judge \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ and Judge \_\_\_\_\_ forbade \_\_\_\_\_ to speak claiming the meeting was not \_\_\_\_\_ to run and \_\_\_\_\_ had no business speaking. Every time \_\_\_\_\_ tried to speak, \_\_\_\_\_ would speak over

Judge \_\_\_\_\_ interceded and indicated that both Judge \_\_\_\_\_ and Judge \_\_\_\_\_ could share the agenda and run the meeting at which point Judge \_\_\_\_\_ told Judge \_\_\_\_\_ that the meetings were to be conducted by Judge \_\_\_\_\_ even though Judge \_\_\_\_\_ had prepared the agenda and the invite to all the participants. This comment was highly disrespectful to the \_\_\_\_\_ Judge and to \_\_\_\_\_ recent appointee Judge \_\_\_\_\_. This bullying type behavior made everyone in the room uncomfortable, including myself. At one point, Judge \_\_\_\_\_ said to Judge \_\_\_\_\_ " \_\_\_\_\_." This was \_\_\_\_\_ very first meeting as \_\_\_\_\_ and \_\_\_\_\_ made it clear that \_\_\_\_\_ was never going to cooperate with \_\_\_\_\_ in the administration of the Court. I felt at the time and to this day that both Judge \_\_\_\_\_ and Judge \_\_\_\_\_ could not tolerate being usurped by \_\_\_\_\_ and made it clear they would never cooperate with \_\_\_\_\_ from the very beginning of \_\_\_\_\_ tenure as \_\_\_\_\_. Given the tone and the language used at that first meeting by both Judge \_\_\_\_\_ and Judge \_\_\_\_\_ they clearly were in violation of Rule 2.5 (B) of the Arizona Code of Judicial Conduct.

It was also clear to me that these \_\_\_\_\_ were demeaning and disrespectful to Judge \_\_\_\_\_ because \_\_\_\_\_ and because \_\_\_\_\_ descent. This made me uncomfortable \_\_\_\_\_ watching such disrespectful behavior towards \_\_\_\_\_. This behavior was a clear violation of Rule 2.3 (A) and (B). Later behavior confirms my initial feelings about this violation of the rules.

On Judge had a conversation with Judge the Judge of Court. The conversation was about switching jail video Court times in the afternoons. The historically has gone first and usually goes over into the County Justice Court time. All the Judges on our Court, including Judge complained about this over a long period of time at our Bench meetings. Judge convinced Judge to allow our Court to go first on a trial basis. Right after announced this change for the better for our Court, Judge attacked Judge in and email that went to all the other Judges. accused of raving into the City Court because This was a strange accusation when all of us Judges wanted this change in the past. It seemed whatever Judge did, Judge would oppose using disrespectful language and tactics. Again, a violation of Rule 2.5(B) and by implication, Rule 2.3 (A) and (B).

On Judge demeaned and disrespected Judge in an email exchange that went to the entire Bench. Judge was inquiring on Judge original email why had a problem with the switch with City Court when believed that this was something the entire Bench wanted. In his response, he asked if she had a " " This is classic negative and of people of descent as not being intelligent. I found this very denigrating and made me feel uncomfortable around Judge Clearly, this statement was a violation of Rule 2.3 (A) and (B). (See comment 2). (See attachment B email thread).

During the COVID 19 crisis, Judge stated that we all needed to get a firm grasp on evictions. Historically, the elected JP's did not do evictions. The Pro Tem Judges had always done them in the past. As a result, none of us elected JP's had any experience doing them except Judge who had decided about before to do evictions. Now we were going to have to do evictions because our caseloads had decreased over the last couple of years and the had cut our Pro Tem budget. With the Cares Act and the Governor's emergency COVID orders on evictions in place, eviction actions would be even more complex. Due to those factors, Judge arranged a training session for the Judges on evictions and the COVID emergency orders. Judge refused to attend. Along with Judge Judge disparaged the idea and refused to allow Judge to use Pro Tem funds. They assumed that was using money from the Pro Tem budget since the trainer was going to be Judge who had done many eviction actions over the years at Justice Court. Judge all along was planning on using the training fund to pay for the training as was appropriate. Both and convinced other Judges not to attend and made Judge so uncomfortable that the training had to be done on a different floor of the building. It was initially going to be conducted on the where the Judges' chambers and the training room are located. Instead, the training was moved to the to avoid Judge and Judge The Judges who attended were Judge Judge and me. The Judges who did not do this training on made many mistakes in the following months on Eviction Actions. Again, Judge who is in leadership, should have supported the training. He violated Rule 2.5 (B) (C).

The toxic work environment that exists at the is largely due to the behavior and the language used by Judge towards Judge I do not feel comfortable at the Courthouse and I go out of my way to avoid contact with Judge and Judge

Witness List Section C of Complaint  
Re:

**Bench Meeting**

1. Hon.
2. Hon.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

# ATTACHMENT A

**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.**