

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-289

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Judge:

Complainant:

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**ORDER**

November 12, 2021

The Complainant alleged that a justice of the peace was verbally hostile, unprofessional, and displayed gender and racial bias against her and another justice of the peace.

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

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**

2020-289

**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 \_\_\_\_\_ 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 \_\_\_\_\_ Judge \_\_\_\_\_ 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 [redacted] Judge [redacted] had a conversation with Judge [redacted] the [redacted] Judge of [redacted] Court. The conversation was about switching jail video Court times in the afternoons. The [redacted] historically has gone first and usually goes over into the County Justice Court time. All the Judges on our Court, including Judge [redacted] complained about this over a long period of time at our Bench meetings. Judge [redacted] convinced Judge [redacted] to allow our Court to go first on a trial basis. Right after [redacted] announced this change for the better for our Court, Judge [redacted] attacked Judge [redacted] in [redacted] and email that went to all the other Judges. [redacted] accused [redacted] of caving into the City Court because [redacted]. This was a strange accusation when all of us Judges wanted this change in the past. It seemed whatever Judge [redacted] did, Judge [redacted] 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 [redacted] Judge [redacted] demeaned and disrespected Judge [redacted] in an email exchange that went to the entire Bench. Judge [redacted] was inquiring on Judge [redacted] original email why [redacted] had a problem with the switch with City Court when [redacted] believed that this was something the entire Bench wanted. In response, [redacted] asked if [redacted] had a "[redacted]." This is classic negative [redacted] and of people of [redacted] descent as not being intelligent. As [redacted] I found this very denigrating and made me feel uncomfortable around Judge [redacted]. Clearly, this statement was a violation of Rule 2.3 (A) and (B). (See comment 2). Interestingly, this email exchange no longer exists in the server. It has been removed by someone. If that email has been removed on purpose, that would constitute a class six felony, under ARS-13-2407, Tampering with the Public Record. Luckily, a hard copy was printed at the time the email was disseminated. (See attachment B email thread).

During the COVID 19 crisis, Judge [redacted] 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 [redacted] who had decided about [redacted] 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 County Manager 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 [redacted] arranged a training session for the Judges on evictions and the COVID emergency orders. Judge [redacted] refused to attend. Along with Judge [redacted] Judge [redacted] disparaged the idea and refused to allow Judge [redacted] to use Pro Tem funds. They assumed that [redacted] was using money from the Pro Tem budget since the trainer was going to be Judge [redacted] who had done many eviction actions over the years at Justice Court. Because of Judge [redacted] objection Judge [redacted] used the training budget for the Eviction Training. Both [redacted] and [redacted] convinced [redacted] other Judges not to attend and made Judge [redacted] 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 [redacted] where the Judges' chambers and the training room are located. Instead, the training was moved to the [redacted] to avoid Judge [redacted] and Judge [redacted]. The Judges who attended were Judge [redacted] Judge [redacted] and me. The Judges who did not do this training on [redacted] made many mistakes in the following months on Eviction Actions. Again, Judge [redacted] who is [redacted] should have supported the training. He violated Rule 2.5 (B) (C).

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

Witness List Section C of Complaint

Re:

**Bench Meeting**

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

**Meeting**

1. Court I
2. Court
3. Office
- 4.
5. Court

# 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.**