

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaints 20-288 and 20-315

---

Judge:

Complainants:

---

**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.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Judge

This type of language from [redacted] judge is creating an unsafe work environment. Kindly stop it. This courthouse deserves respectful behavior from its judges.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Judge [redacted] Courtroom

Judge

I did not start the conversation with the entire building...Judge [redacted] did, not my issue [redacted] should have thought about that just like she should have thought about [redacted] ..what did the [redacted] refer to [redacted] ..Do you remember that...should we now discuss the [redacted] with you??

**CONFIDENTIALITY NOTICE:**

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Judge            Courtroom

Judge            can you please remember that you are speaking to the entire building?

“Before you speak, think - is it necessary? Is it true? Is it kind? Will it hurt anyone? Will it improve on the silence?”

**From:**  
**Sent:** f  
**To:**  
**Cc:**  
**Subject:** Re: Judge            Courtroom

Great idea...please make sure to invite            so            can express her genuine feelings for Judge  
at            this is my RSVP for that

Sent from my iPhone

On            wrote:

Good reminder I believe a            celebration is in order.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** Re: Judge            Courtroom

Good to know Judge            ..in reality, you have            to schedule anything for other judges,  
Arraignment week            since you were

Sent from my iPhone

On            wrote:

I refuse to schedule any in-person hearings for any judge during this pandemic.  
Judge

Sent from my iPhone

On  
WFOC.

As of today, Judge \_\_\_\_\_ will no longer be doing in-person hearings.  
All hearings will be done via zoom. If you have any questions please  
contact myself or

Thank you

Court

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Judge Courtroom

Thank you, for letting me know that Judge will be only conducting Zoom hearings starting  
Much appreciated.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** RE: Judge Courtroom

Good reminder I believe a celebration is in order.

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** Re: Judge Courtroom

Good to know Judge .in reality, you have to schedule anything for other judges, Arraignment week  
since you were

Sent from my iPhone

On wrote:

I refuse to schedule any in-person hearings for any judge during this pandemic.  
Judge

Sent from my iPhone

On wrote:

As of today, Judge will no longer be doing in-person hearings. All hearings will  
be done via zoom. If you have any questions please contact myself or

Thank you

Court

**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.**