

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-333

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace failed to follow the Covid-19 safety protocols promulgated by the Arizona Supreme Court and retaliated against staff for filing a complaint.

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.

After review, the Commission found that the judge occasionally failed to wear a mask as required and touched court papers after licking his fingers. Additionally, after learning that a complaint had been filed with the human resources department regarding his conduct, the judge spoke tersely to his staff, advised them that he would no longer participate in social functions with staff, and temporarily excluded staff from assisting him with conducting weddings. While this was improper under Rules 1.1, 1.2, 2.5(B), 2.8(B), and 2.16(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 of his obligations to follow administrative orders from the court and to be patient, dignified and courteous in his dealings with staff. The Commission also reminded the judge that his outburst toward his staff after learning a complaint had been received could be perceived as retaliation and have a chilling effect on staff's right and duty to report misconduct.

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Commission member Delia R. Neal did not participate in the consideration of this matter.

Dated: May 13, 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 May 13, 2021.

From:
Sent:
To:
Subject: Complaint

20-333

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Good morning,

I hope this email finds you well.

I am reaching out because of information I received yesterday from . In addition to the complaint which you are aware of, she expressed concerns about how Judge is handling COVID and the safety of herself and other workers. Specifically she shared that he does not wear a mask when he approaches the workers; he places his fingers in his mouth to moisten them and then touches court paperwork that staff have to handle; and in one instance he had blood on his fingers and transferred the blood to documents staff have to handle. According to her he does not practice any of the guidelines recommended by CDC relating to the pandemic in addition to an overall lack of hygiene, i.e., the perception is he doesn't wash his hands.

As I believe you are also aware, his handling of COVID and specifically his alleged angry outburst toward staff who he believed made a complaint about COVID safety practices is already a concern for that workgroup.

Didn't the Court put out guidelines that must be followed? Any thoughts?

Thanks,

(direct line)
(cell phone)