

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-363

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a municipal court judge created a hostile work environment, engaged in improper demeanor, and improperly retaliated against her.

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 the judge engaged in improper demeanor and engaged in conduct that gave the impression he treated female employees differently than male employees. While this was improper under Rules 2.2, 2.3(B), 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 of his obligation to be “patient, dignified, and courteous” with court staff and others, and to avoid conduct that gives the appearance he is engaging in the disparate treatment of women.

The Commission did not find clear and convincing evidence to support the remaining allegations of the complaint.

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Commission member Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: January 26, 2022

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring  
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on January 28, 2022.

20-363

**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.

Judge \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_ Court. I was the \_\_\_\_\_ at the court from \_\_\_\_\_ until \_\_\_\_\_ I resigned due to the hostile work environment created by Judge \_\_\_\_\_ My resignation was a \_\_\_\_\_ This complaint is regarding Judge \_\_\_\_\_ unlawful administration of \_\_\_\_\_ Court.

Judge \_\_\_\_\_ hostility and mistreatment of me began \_\_\_\_\_ when he verbally abused me, and threatened my employment in front of everyone \_\_\_\_\_ I have notes of the

On \_\_\_\_\_ I filed \_\_\_\_\_ complaint. \_\_\_\_\_ committed by \_\_\_\_\_ of one of the court's supervisors that is a member of Judge \_\_\_\_\_ executive team. Judge \_\_\_\_\_ response was to retaliate against me in numerous ways. The \_\_\_\_\_ filed an active investigation. \_\_\_\_\_ on \_\_\_\_\_ regarding his retaliatory conduct, and there is an

Judge \_\_\_\_\_ stopped speaking to me in person after I filed the complaint with \_\_\_\_\_ On \_\_\_\_\_ Judge \_\_\_\_\_ required me to forfeit \_\_\_\_\_ of my earned vacation time because my personal cell phone was not working while I was working remotely from home. The previous week when my cellphone had stopped working while I was working in the court building, I asked the courtroom supervisor if I could go to the court the following week to cover my assignments. The supervisor asked the court administrator and Judge \_\_\_\_\_ if I could work at the courthouse the following week because my phone was broken and they told her no, and that other judges would cover. Although Judge \_\_\_\_\_ knew about the issue with my phone since the previous week when I he waited until the following week at the end of the day that I was supposed to cover telephonic \_\_\_\_\_ to email me to tell me I had to forfeit my vacation hours because I did not have a phone.

Judge \_\_\_\_\_ also retaliated against me by requiring me to work on weekends without any compensatory time, despite it being outside the scope of my employment agreement, which stated that my work hours were \_\_\_\_\_. On \_\_\_\_\_ I emailed the judges to brainstorm a solution for the problem with \_\_\_\_\_ inmates not being transported to the court's detention facility \_\_\_\_\_ by possibly using \_\_\_\_\_ for video conferencing. Judge \_\_\_\_\_ sent an extremely hostile response to all of the judges accusing me of trying to change a system or process without going to the court administrator. He also claimed that \_\_\_\_\_ Court does not use \_\_\_\_\_ and tried to make me look like a liar in front of the other judges even though I knew that some of the judges there have used it.

On \_\_\_\_\_ my attorney provided a copy of my contemporaneous notes from the \_\_\_\_\_ and to \_\_\_\_\_



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\_\_\_\_\_ which memorialized the verbal abuse I endured \_\_\_\_\_ Judge \_\_\_\_\_ also had not posted the court's anti-discrimination policy on the court's website until after my attorney advised the city attorney in this letter that it was not posted. The policy must be posted pursuant to Section 1-304D of the Code of Judicial Administration. On \_\_\_\_\_ my attorney also mailed a letter to \_\_\_\_\_ and to \_\_\_\_\_ requesting the return of my vacation hours, and to provide a written policy for requiring me to work additional hours on weekends.

On \_\_\_\_\_ I submitted \_\_\_\_\_ to \_\_\_\_\_ and to \_\_\_\_\_ I explained that although I loved my job, co-workers, and working for the \_\_\_\_\_ immensely, I could no longer tolerate being abused by \_\_\_\_\_

On \_\_\_\_\_ asked me to meet with her, and stated that \_\_\_\_\_ was going to restore the \_\_\_\_\_ vacation that the \_\_\_\_\_ had required me to forfeit. \_\_\_\_\_ also stated that \_\_\_\_\_ was " \_\_\_\_\_ " I agreed to meet with her.

On \_\_\_\_\_ I met with \_\_\_\_\_ in a conference room at the \_\_\_\_\_ for approximately \_\_\_\_\_ regarding what had transpired during my employment. \_\_\_\_\_ told me that she would contact me when a decision was made regarding the weekend days I had been required to work, in addition to my regular work schedule. On \_\_\_\_\_ notified me that \_\_\_\_\_ was giving me \_\_\_\_\_ of paid administrative leave to use after my last day of employment with \_\_\_\_\_ to compensate for being forced to work on weekends. On \_\_\_\_\_ submitted a document to \_\_\_\_\_ falsely stating that the reason for my resignation was " \_\_\_\_\_ " On \_\_\_\_\_ emailed me a letter informing me that \_\_\_\_\_ had retained \_\_\_\_\_ to conduct an independent investigation of my complaints concerning Judge \_\_\_\_\_ falsely stated, " \_\_\_\_\_ " On \_\_\_\_\_ I

emailed \_\_\_\_\_, and \_\_\_\_\_ a letter rescinding my resignation due to the remedial actions taken by \_\_\_\_\_ which I was not fully advised of until the night before when I received \_\_\_\_\_ letter. On \_\_\_\_\_ Judge \_\_\_\_\_ emailed me a letter stating there was " \_\_\_\_\_ " to support my request to rescind my resignation. He did so despite the fact that my resignation was a \_\_\_\_\_ of my employment due to his retaliatory behavior and hostility toward me.

Judge \_\_\_\_\_ violated Canon 1, Rules 1.1, 1.2 and Canon 2, Rules 2.3, 2.5 and 2.12 of the Judicial Conduct when he engaged in the aforementioned conduct.

**VIA EMAIL:**

Re:

Dear

This acknowledges receipt of your letter dated alleging and providing a resignation date of and documents the actions taken by in response.

On had an extended meeting with you during which you discussed the issues raised in your letter and other concerns. At that time, she confirmed would restore of vacation leave you were charged for two days you were unable to work from home because your personal cell phone was unavailable and alternative work arrangements were not provided.

In addition, on notified you by email that would provide you with four days of paid Administrative Leave for four weekend days you worked in the past few months. You were provided with instructions on how to account for these days in your final time record which allows you to remain on payroll into and remain eligible for benefits for an additional month rather than the benefits terminating at the end of

You were also informed would be conducting an independent investigation into your complaints concerning the has retained counsel who has experience with the court system and an independent investigator to conduct an inquiry into the issues raised by your allegations and claims. You should expect

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to be contacted by \_\_\_\_\_ of \_\_\_\_\_ regarding the investigation and your full cooperation is anticipated.

Despite the actions taken by \_\_\_\_\_ you expressed your intent to maintain your original resignation date of \_\_\_\_\_ service will officially end on \_\_\_\_\_ to account for the four days of administrative leave provided by \_\_\_\_\_

Very truly yours,

cc:

Sent via e-mail and regular mail

Dear

Your letter, in which you indicated your desire to rescind your resignation from employment with has been forwarded to me. At this time, I see no authority to support your request for recission of your resignation. Your last date of employment remains Moreover, as previously discussed, your last day on the payroll, because you received four (4) days of administrative leave with pay, will remain I wish you the best in your future endeavors.

Sincerely,

Cc:

**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.**