

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-022

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace (then a judicial candidate) violated various provisions of Canon 4 of the Code of Judicial Conduct.

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 Commission approved sending the judge an advisory letter reminding him that a judge or a judicial candidate cannot serve as treasurer of their own campaign nor as a party precinct committeeman. The Commission also reminded the judge to ensure that his conduct fully complies with the Code in future elections. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Christopher W. Ames 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-022

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.

I respectfully submit a complaint concerning _____ a candidate for _____ in the _____ Precinct in _____ County. Specifically, his ethical conduct concerning rules 4.2 and 1.1 of the Arizona Code of Judicial Conduct.

Rule 4.2 (A)(1)&(2) requires that all judicial candidates shall "act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary" and "comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations."

Rule 1.1 explicitly requires that "a judge shall comply with the law, including the Judicial Code of Conduct." Although Canon 1 does not apply to judicial candidates, Mr. _____ apparent illegal activity during his campaign would apply retroactively if here were elected.

Both Mr. _____ and _____ are candidates for the _____ Precinct. I filed a statement of interest on _____ and Mr. _____ filed the same documentation on _____. Additionally, Mr. _____ publicly announced that he was running for the vacant _____ position on or around _____ making him subject to the ethics guidelines in Canon 4.

My complaint focuses on two events: 1. Mr. _____ deliberate and illegal campaign and contractual interference caused by enticing contracted signature gatherers to work on his campaign, and 2. Mr. _____ attempts to conceal his identity while litigating against several other candidates.

Event 1 - Campaign and Contractual Interference

In order to appear on the ballot, both Mr. _____ and _____ needed _____ signatures each to qualify as a candidate. Due to my rigorous work schedule, I hired _____ to gather nomination signatures on my behalf. She in turn hired _____ and _____ to begin collecting signatures from voters. Through their efforts, the _____ were prolific in finding qualified voters to sign my nomination petitions.

On or around _____ Mr. _____ approached the _____ and offered them an opportunity to work on his campaign at a cost higher than what they were currently being paid. The _____ agreed, and within _____ they quit their work on my campaign and began to gather signatures on Mr. _____ behalf. This caused a great disruption in the early stages of my campaign; I lost my most productive signature gatherers, and had to scramble to meet the required voter signatures to qualify for the ballot.

Despite the inconvenience to my campaign, Mr. _____ gained an early tactical advantage and his execrable conduct intentionally interfered with the contractual arrangement I had with the _____ and attempted to prevent my lawful attempt to qualify as a candidate for public office.

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Mr. _____ incited tortuous interference with a contract when he convinced the _____ to breach their existing contract with me, and knowingly interfered with their ability to perform the contractual obligations I required, thus preventing my campaign from receiving the services promised. This makes Mr. _____ actions wholly illegal and dishonest, and not the proper conduct for a judicial candidate. These events can also be corroborated by comparing the dates and signatures of the nomination petitions between myself and Mr. _____.

Additionally, Mr. _____ engaged in electioneering through the disruption of a legitimate and lawful campaign's attempt to gather signatures that would have otherwise legitimately belonged to another candidate and deprived the voters of an opportunity to provide their signatures to a candidate other than Mr. _____. This matter has been submitted to the _____ County _____ Department for investigation, and possibly referred by the department to the _____ County _____ Office for criminal charges.

Event 2 - Concealing Identity and creating a Conflict of Interest During Litigation

On _____ complaints were filed in _____ Court against three candidates for the same office Mr. _____ was seeking, (_____ to challenge the validity of the nomination signatures qualifying for the ballot. All complaints against the candidates were filed by _____ through his attorney _____. The filings, almost identical in nature, contained a multitude of accusations which if proven accurate, would disqualify the candidates for office.

Upon information and belief, Mr. _____ was witnessed escorting and conversing with Mr. _____ (who also openly supports Mr. _____ campaign) in the _____ Court while assisting with the filing of Mr. _____ signature challenges. Never at any time was Mr. _____ present during the filing or litigation, and he only provided cryptic answers to a reporter's questions in a column in the _____. It is further implied that Mr. _____ paid the filing costs and attorney's fees for Mr. _____. Not only is this an attempt for Mr. _____ to secretly litigate, but also creates a conflict of interest between Mr. _____ and his attorney.

Mr. _____ conduct during his campaign has been unethical, illegal, and potentially caused an attorney to violate the code of professional ethics. His conduct and character are totally out of line with the actions of a judicial officer and must be addressed by the ethics committee.