

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-064

Judge:

Complainant:

ORDER

September 15, 2021

The Complainant alleged a justice of the peace engaged in improper demeanor in a phone call and retaliated against her by unjustly terminating her relative from court employment.

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, Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-064

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.

See attached.

Attachment to Judicial Complaint:

On [redacted] I advised Hon [redacted] via text, that I would be submitting my resignation as his Judicial Assistant. Since the Judicial Assistant position is an "at will" position and recent events left me feeling that I was not serving, nor could I continue to serve him, I tendered my resignation [redacted] short of my [redacted] mark with the Courts.

These are the events that led to my decision: in [redacted] he asked another employee if I was doing her work. No, I was not doing her work. I was doing office work! As he knows, this is an extremely busy Court and we had been short staffed therefore everyone had been diligently working to keep our heads above water. He never spoke to me about his concerns. This made me feel as if he was losing trust and respect for me.

Later that month, I along with another employee, were out with the flu. Upon returning to work, I mentioned to him that we were being ostracised but was not concerned because staff always treated anyone who became ill that way upon their return. He later told me he had inquired with other staff members about the treatment and he had been advised that it was I (us) who had returned indifferent. He made it seem as if he did not believe me. A few weeks later a staff member who had been out on sick leave (possible exposure) stated to the Judge in my presence, that she now understood how I felt because she too was being ostracised. I did not expect a formal apology, but an acknowledgement that I had not lied to him would have been appropriate. This again left me feeling uneasy.

On [redacted] ([redacted] whom I [redacted] were quarantined after learning that [redacted] had [redacted] was being tested for COVID as he had developed a rash and low fever. On [redacted] I received a text from the Judge expressing that he was disappointed that [redacted] had possibly exposed staff, [redacted] time) to COVID. An embellishment or a clear lie. This completely overflowed a cup that

was already filled to the rim. At this point I responded that I would resign. I didn't need to add someone's disappointment to my plate. I was already carrying personal stress and weight of what this pandemic was causing all around us. Friends, family and co-workers were becoming ill or had died alone without being surrounded by family. And now

On [redacted] Judge [redacted] contacted me via telephone (as I was under quarantine) and advised me that he was accepting my resignation. While I understand that I put it out there, I was a bit thrown back that he was not open to discussing why I reacted in that manner that I did nor did he allow me the opportunity to express how deeply bothered I was with his accusation. My perception. When I tried to tell him this, he proceeded to scream at me that I needed to take responsibility and that he had almost died from this [redacted] and now he was dealing with [redacted] staff members, his [redacted] and the [redacted] being sick (insinuating that [redacted] had caused this). He then hung up on me. Something he has done to others on various occasions in my presence. At this point I logged out of the system and closed the laptop.

The mere fact that I would not acknowledge or "take responsibility" for what he felt was an intentional exposure to this virus is unacceptable. People are dying! How can a Judge make such an accusation without medical proof of such a heinous act. He himself has been careless by entering the building visibly sick and exposing staff. He has personally admitted to me having had contact with persons that are or were sick or became sick (a day after he had been in that persons' office and neither had been wearing a mask) "[redacted]". Other staff members have also been in the same predicament of not knowing they are sick or had contact with someone who later became sick. We didn't carry a vial and released the germ in the office nor are we doctors to know that my [redacted] would result in COVID.

This man, who was not only my boss but friend and confidant and I his, has seen first hand the toll the passing of [redacted] and [redacted] to unrelated medical issues, in the past [redacted] has taken on me. He is also aware that my [redacted] who has [redacted] under the [redacted] became deathly ill with this virus and is still feeling the medical ramifications. I lost my [redacted] to COVID on [redacted] and was now faced with my [redacted] being ill. And now to insinuate that I or we exposed him, his [redacted] the [redacted] and [redacted] (whom he claimed had become ill and apparently were still physically present in the office) to a deadly virus is unacceptable. If so, why did he allow his [redacted] and the [redacted] to be in his courtroom without a mask on [redacted]

Why no quarantine? Was he embellishing or lying to

belittle us, embarrass us, make us feel afraid, ashamed and responsible for someone's life being in jeopardy?

While this reads as an employment issue, the events that follow are what are most offensive and extremely retaliatory not just of an elected official, but a Judge.

The day after our partial telephone conversation, where he hung up on me, received an e-mail from her supervisor, attached was a hastily prepared " ". No proper County nor Justice Court departmental letterhead was on the form and the address for the County is noted and not the Justice Court who is taking this proposed action against the employee. The included a form completed in along with several false statements/accusations to date. She was to meet with the Judge on at This is not the first time a complaint or discrepancy has not been addressed with an employee in a timely fashion to remedy the circumstance(s). No consistency.

While there were no verbal or written reprimands noted in her file, was terminated on for what the Judge felt were " " responses on a COVID form completed daily. He could have just dismissed her without cause as noted under the No reason was necessary. But his ego had been bruised and therefore had to make a point. Even after responded in writing (copy enclosed) to the allegations/ charges by outlining individual responses to the discrepancies, errors and lies, made against her (attached), the " ' had already made a decision. He completely ignored the fact that she was Something he would have noticed.

He also ignored the fact that it was I who started

It also notes in her responses that a " ' was

Threatening an employee in this manner is acceptable? Obviously, it was in this case. Aren't there laws that protect people from this type of treatment in the workplace? If the why was her failure to respond included in the ? Again, because this was acceptable to the Judge to justify the frivolous disciplinary action. A person who is supposed to weigh facts before rendering a decision, completely ignored the facts presented to him and proceeded to fire because had damaged his ego. He failed to consider the discrepancies placed before him. He allowed other staff members to lie to him, with him, or for him to justify termination. Terminating and labelling dishonest is hypocritical. This is unbecoming under a Court of Law. (Video enclosed).

Referencing that [redacted] had been dishonest while completing a non-work related document which he himself has referred to as stupid (as the COVID form is for medical issues and not court issues) is again hypocritical.

Employees of the Justice Court, to include myself, have made many human errors. We have failed to properly issue or remove Orders of Protection, failed to reinstate driver's licenses, failed to quash warrants, and/or failed to advise parties of hearings resulting in new citations, arrests, dismissal of cases and/or defaults, etc. These matters have been dealt with in a verbal manner stressing the importance and need to be careful and thorough as the public is affected. When new employees have failed to meet the necessary employment requirements, probation has been extended and additional training provided. This was not the case here.

[redacted] grew up under the Superior Court family. [redacted] started volunteering during elementary school. [redacted] was given minimal tasks of shredding documents, straightening books, filling copiers with papers, etc.. [redacted] continued to diligently volunteer during her middle and high school years in Superior Court under the then Presiding Hon. [redacted] as well as with the Hon. [redacted] and Hon. [redacted] and [redacted]. This allowed her to gain knowledge of the ins and outs of the Superior Court, [redacted] and Court Administration. She was later hired under the [redacted] by Court Administration under the supervision of [redacted]. Upon graduating in [redacted] she was hired as a [redacted] under Justice Court on a part-time basis. In [redacted] [redacted] was offered and accepted a full time position as [redacted] still with the Justice Court. [redacted] work reflected [redacted] professionalism which he acknowledged on many occasions.

They all know that [redacted] is a good, yet blunt and HONEST person. [redacted] was an exemplary employee and any of the judges named in this correspondence can speak to [redacted] ability, professionalism and work ethic. You might feel that I am

[redacted] Not the case. I will [redacted] I feel is being treated in an unfair manner just like I will criticize anyone who pulls a paycheck but doesn't earn it. The fact that an elected official, supervisor, or manager throwing a hissy fit can harm a person in more ways than economically is again, unacceptable. He has forever altered [redacted] He has caused [redacted] severe emotional distress. [redacted] does not sleep well and is hesitant about going out in public for fear that [redacted] will run into him or staff. The emotional breakdowns [redacted] is now experiencing are heartbreaking. I am now left with the task of seeking new employment as well as helping [redacted] heal from this vicious experience. This was [redacted] first official job as an adult and that fact that [redacted] has been stigmatized and labeled dishonest by Judge [redacted] shows how petty and

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COMPLAINT ON ITS WEBSITE.**

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PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
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