

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-201

Judge:

Complainant:

ORDER

January 25, 2022

The Complainant alleged that an inappropriate relationship between a superior court judge and a court clerk created a hostile work environment.

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 and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 25, 2022.

Phone

DATE:

TO:

FROM:

RE: Allegations of Misconduct Against the Honorable

BACKGROUND

On Friday, _____, _____ requested a preliminary investigation into staff allegations of misconduct against Judge _____ to determine if there was any basis for the allegations to be referred to the Arizona Supreme Court Commission on Judicial Conduct.

INTERVIEW SUMMARY

_____, _____, requested _____, Judicial Assistant to Judge _____ be interviewed to determine if she was aware of any misconduct. _____ also requested _____, Judicial Assistant for Judge _____ be interviewed as _____ had raised concerns about Judge _____ behavior.

Based on the information received in the interview with _____, _____, an interview was conducted with _____, Courtroom Clerk. _____, Clerk of the Superior Court also requested that _____ be interviewed as _____ believed _____ may have some knowledge of the allegations.

After the interviews were conducted, the interview notes were typed up and sent to each interviewee for review and for any additional input or corrections. Responses to the interview notes for _____ are still outstanding. The interview notes for _____ was emailed to _____ late _____. The interview notes for _____ were emailed _____.

Recommend _____, _____ Superior Court and _____, _____ with the _____ Superior Court also be interviewed.

The interview notes are included in the attachments.

Interview

On _____, _____, an interview was conducted with _____ and _____ was present. _____ expressed concerns about the amount of time _____ and Judge _____ were spending together, specifically the appearance of impropriety. _____ reported when Judge _____ meets with _____ in his chambers, his door is partially open, about four inches. _____ reported Judge _____ has met with _____ for about an hour long and she also reported _____.

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that when she has arrived to work at [redacted] has been in Judge [redacted] Office. [redacted] also reported that when she has had to go down to the [redacted], [redacted] has been sitting on the counter in the [redacted], in the corner, kind of out of sight. [redacted] said when they are in the [redacted], Judge [redacted] is standing about an arm's length away from [redacted]. She thinks [redacted] may have been in a skirt when [redacted] was sitting on the counter, but she was not sure. [redacted] reported that [redacted] reported that [redacted] has been in the [redacted] with Judge [redacted] for the [redacted].

[redacted] stated she has not seen anything, such as inappropriate touching, between Judge [redacted] and [redacted]

[redacted] was not aware if anyone else had witnessed Judge [redacted] and [redacted] in the [redacted]. She did report that the judicial assistants she carools with, [redacted] and [redacted] have also noticed Judge [redacted] and [redacted] in the [redacted] but have not stated anything specific about it to her.

[redacted] reported a few weeks ago [redacted] came to her office and stated they needed to talk. The gist of the conversation was [redacted] stated there was nothing going on between Judge [redacted] and her and she wanted [redacted] to know that. [redacted] told [redacted] she had concerns about the appearance of her spending so much time with Judge [redacted]. [redacted] should know better and should avoid the appearance of crossing boundaries in the workplace as it appeared inappropriate. [redacted] stated [redacted] responded by stating Judge [redacted] was helping her with [redacted].

[redacted] stated [redacted] began pursuing Judge [redacted] about a year ago. [redacted] would come into Judge [redacted] chambers and sit on his couch, with her legs up. [redacted] wondered if [redacted] behaved that way with the other judges. [redacted] stated she felt the inappropriate conduct was more on [redacted] part as she kept seeking out Judge [redacted] and Judge [redacted] was being nice to her. [redacted] said it stopped for a while and then started back up again in the past two to three months.

[redacted] stated the rumors started because there was a party attended by numerous court staff. At this party, [redacted] told multiple people that she wanted to have relations with Judge [redacted] initially reported she heard this from [redacted], [redacted], [redacted] with the [redacted] Superior Court. Upon review of the interview notes, [redacted] reported that [redacted], [redacted], [redacted] Superior Court, was another person she heard this from.

[redacted] also reported on [redacted] had been drinking a beer during her lunch hour. [redacted] reported she had a photo of this, which she provided. The photo does show a beverage which appears to be a beer next to where [redacted] is sitting. However, the photo is not date or time stamped. [redacted] was asked if she could provide a date/time stamp of the photo. [redacted] did not know if she could and to date one has not been received. [redacted] was asked if [redacted] showed any signs of impairment or if there were any other witnesses. [redacted] said no impairment, just a lack of judgment as numerous court staff goes

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also reported that comes up to and in the judicial lounge area, which other judicial assistants have stated makes them uncomfortable.

stated there is no reason for to or in the . If needs anything, she can send an email to .

Note: Due to technical issues, the FTR Recorder did not work and this interview is not recorded. The interview notes were typed up from the meeting notes of and me.

was reserved and hesitant to answer questions during the interview. expressed concerns about her continued employment as a Judicial Assistant she is an at-will employee to Judge . There was no indication was untruthful in her statements.

Interview

On , an interview was conducted with and was present. was asked to share the concerns she had expressed to , with Superior Court, about Judge .

stated, yes, she had concerns about Judge and , with the Superior Court. stated she has observed them, and it has made her very uncomfortable. On several occasions has gone into the and on one occasion it made her really uncomfortable. was sitting on the ledge, , and Judge was standing in front of her. could not recall what was wearing. She did not think it was a dress or a skirt because that would have really been inappropriate. said it made her very uncomfortable when she walked in. reported being in the and Judge n and are both in there just shooting the breeze. said it makes her uncomfortable.

asked when was sitting on the ledge how close was Judge to ? said Judge was not up against . It was enough that it makes you uncomfortable. Number one, was sitting on the ledge and Judge was maybe about an arm's length away from .

stated she did not hear or witness any inappropriate touching. stated when she walks in, she gets a feeling, a weird feeling, like she's interrupted something, or something is going on. stated nobody else has been with her when this has occurred, but she did not know if anybody else came before or after her.

said last came and participated in the . When walked out, it was just Judge and working Nobody else was there. said that was very awkward during lunch time. Then the next day came up and Judge and went into Judge's Office for the hour. stated she did know if they were because she understood Judge . stated when was up here there were other judicial

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assistants who felt uncomfortable because they expressed that to [redacted], specifically,

[redacted] asked when [redacted] was in Judge [redacted] Office was the door to his chamber's suite closed?

[redacted] said the door to the office suite was opened but she did not know if his door was closed. [redacted] reported that one day she came into work early and when she arrived on [redacted] was leaving Judge [redacted] chambers. This was around [redacted] said this had occurred sometime within the last month.

[redacted] said it needs to be professional when you are in a courtroom setting and it needs to be addressed because the conduct is not professional. [redacted] said the conduct appears overly friendly.

[redacted] asked if the County Attorney or any other agencies were talking about what is going on?

[redacted] stated nobody has told her personally, but she has heard they are. [redacted] reported that she had heard, it may have been attorney [redacted], who was in the Courtroom, [redacted] did not know if [redacted] was in the Courtroom too, but [redacted] asked Judge [redacted] if he had his full attention because the Judge was texting on his phone. There was another incident heard of where [redacted] Judge [redacted] did not have any specific information regarding the incidents.

[redacted] was relaxed and thoughtful in her answers. There was no indication [redacted] was untruthful in her statements.

Interview

On [redacted], an interview was conducted with [redacted] [redacted] said she did not have any knowledge of comments made about Judge [redacted]. She knew of the comments, not firsthand, and she did not witness anything. [redacted] said she [redacted] and that she had her [redacted] her, so she [redacted] at a reasonable hour. [redacted] stated while she was [redacted], she did not hear any inappropriate comments about Judge [redacted]

[redacted] stated she was aware of inappropriate conduct of Judge [redacted] with an employee. [redacted] asked if I could promise that this information would remain confidential and she did not want anyone to know what she said. [redacted] stated she had told [redacted] quite a bit.

[redacted] stated from the texts this began in [redacted], or the beginning of [redacted] [redacted] texted [redacted] stating that [redacted] was trying to hook up with Judge [redacted] and [redacted]. The next morning [redacted] asked what happened. [redacted] said [redacted] left and that she [redacted] would not be able to be in Judge [redacted] Courtroom anymore because she sent him some really inappropriate messages, but she had deleted them all [redacted] sent [redacted] screen shots of her saying to Judge [redacted], [redacted]. I am sorry. Judge [redacted] said I will disregard the one about you saying [redacted]

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be in my court again. said Judge was basically saying any your
, but I will .

said on told her that Judge said to that he
wished he could have hung out with her on , but Big Brother was always watching. He also
stated that it was only safe for them to talk at work. said told her Judge and
have hugged before, but did not witness this. does not have any evidence
of these conversations, she said this is stuff has told her.

said she encouraged to report the text message to and said
she was not guilty of everything and kept making excuses. said things got worse and worse.
was always in Judge Office. said was not available to her online or
anything to answer any questions had about work. said last week she was, she
thinks, in Judge Court, she was , and every time she walked by, all day long,
and Judge were in the . Judge had his feet up on the furniture and
was sitting on the . reported they were flirty and talking
about nothing work related. On confronted about seeing
them in the and said to you have not been around to answer any of my questions
or anything. She told her she was unavailable as her supervisor. responded to
stating she was correct, and she was being a bad supervisor and that she would work on it.
stated an hour later that was in Judge Office on . said them
being together has been an ongoing thing.

also stated that told her that had told to keep doing more
of this to make it like it's not taboo. To hang out with Judge more in the open.
reported that Judge purchased
then told that and told to hang out with Judge
asked about this, said she would never say that.

said she walked into Judge Office last week, Judge was in super
casual clothing and was sitting on the court reporter desk and they were super close to each
other. said it's completely unnatural. It's not directly inappropriate to where they're
touching one another, but the way that they are close to each other and the way they interact with each
other is not appropriate for a clerk to a judge. She said she could say that with 100% certainty.
said she did not stand that close or spend that much time or talk that casually with any judge.
said it was weird and out of sorts.

stated she had not heard make inappropriate comments about Judge
but that she would not be surprised if she did based upon the text messages sent
him. said whenever drinks, that's when she decides to be inappropriate with him.

was not aware of anyone else that had seen the text messages sent to Judge
nor was she aware of any other evidence.

said she has seen a decline in the Clerk's Office in taking responsibility, taking their
jobs seriously and now they have a supervisor that is neglecting the department. It doesn't feel like
takes her position seriously, to the point feels she doesn't have a supervisor to go to and

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THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**