

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-215

Judge:

Complainant:

ORDER

January 25, 2022

The Complainant alleged that a justice of the peace yelled at her and slammed his hand on a table.

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.

2021-215

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.

The misconduct that occurred by Judge _____ on _____, falls under:
Canon 3B(4). A judge should neither engage in, nor tolerate, workplace conduct that is reasonably interpreted as harassment, abusive behavior, or retaliation for reporting such conduct. The duty to refrain from retaliation includes retaliation against former as well as current judiciary personnel. Under this Canon, harassment encompasses a range of conduct having no legitimate role in the workplace, including harassment that constitutes discrimination on impermissible grounds and other abusive, oppressive, or inappropriate conduct directed at judicial employees or others. See Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 4(a)(2) (providing that cognizable misconduct includes: (A) engaging in unwanted, offensive, or abusive sexual conduct, including sexual harassment or assault; (B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or (C) creating a hostile work environment for judicial employees ") and Rule 4(a)(3) (providing that cognizable misconduct includes intentional discrimination on the basis of race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability").

On _____ at _____ myself (_____) and Judge _____ were at _____ in Judge _____ chambers. I was in the chamber providing him with defendant's exhibits for a trial. The Judge asked that I contact the plaintiff for exhibits (_____) and he advised me to call the plaintiff. I attempted to check the file to see if the exhibits were with the complaint. At this time Judge _____ raised his voice, slapped his hand on his desk and told me, " _____ ". At that time, I left his chambers and proceeded to go to my cubicle. Our _____ stopped me and asked me what Judge _____ was requesting me to do and why. I advised her that he wanted me to call the plaintiff to request for the exhibits. _____ told me to get on the line (_____) with the plaintiff and advise him the Judge is requesting exhibits (_____). I was advised to do this, as it would expedite the process of the exhibits being requested. Therefore, I proceeded to do what I was told. I got on the line and requested what was needed from the plaintiff. The documents were emailed to me by the plaintiff. I printed the documents. I walked the copies to Judge _____ chambers and handed the copies to him. At that time, he asked me if I talked to the Plaintiff over _____ and I responded " _____ ". He raised his voice and began to yell, " _____ ". I responded in a shocked confused manner " _____ ". He responded in an aggressive manner " _____ ". I responded " _____ ". He stated, " _____ ". At that point, I attempted to explain to him. "I

2021-215

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Judge _____ slammed his hand on his desk very aggressively. raised his voice and began to yell at me. He said, " _____ ". I again attempted to explain to him " _____ ". In addition, Judge _____ again began yelling aggressively in a high pitch voice " _____ ". I began to get frightened because he slammed his hands on his desk. I immediately began to walk out his chambers as soon as I could because I was afraid of what he would do next. I immediately burst into tears because I was afraid. As I was walking out _____ got my attention and directed me to _____ office. Once in her office, I informed her what had occurred in Judge _____ chambers. _____ advised me to go to the _____ and take a moment to gather myself. While _____ I contacted _____ to explain the situation and gather information on how I can file a complaint. _____ advised me via phone that she would email me further instructions on filing a complaint against the Judge. I also notified the _____ via voicemail regarding the situation. A few moments later I was called in _____ office to speak to _____. After speaking to him, he as well directed to the link where I could file a complaint. I was also directed to take the remainder of the day off due to the mental emotional trauma I endured.

Due to this situation, I believe Judge _____ behavior was extremely unprofessional in the workplace. I believe his behavior was abusive towards a _____ (myself). Judge _____ behavior appeared to be very hostile and he approached the situation in a hostile manner (slamming his hand on the desk) that caused me to fear for my safety. I believe the situation could have been handled very respectful and in a professional manner. I do believe the appropriate authority should address this situation with Judge _____ so this does not happen again to myself or another