

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-239

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Judge:

Complainant:

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**ORDER**

March 15, 2022

The Complainant alleged that a justice of the peace retaliated against her for filing a complaint against a constable.

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 Denise K. Aguilar, Roger D. Barton, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 15, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2021-239

**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.

On \_\_\_\_\_ Judge \_\_\_\_\_ presented me with a Record of Counseling (attachment 1) with regards to a Complaint that I filed against Constable \_\_\_\_\_ on \_\_\_\_\_ with the Presiding Constable \_\_\_\_\_ and subsequent complaint I filed with the \_\_\_\_\_ (attachments 2 & 3). I filed a rebuttal to the Record of Counseling with \_\_\_\_\_ on \_\_\_\_\_ (Attachment 4) The Deputy Court Administrator \_\_\_\_\_ had to be involved which resulted in the Counseling being rescinded by Judge \_\_\_\_\_

Since I filed the Complaint against Constable \_\_\_\_\_ has approached me several times to have discussions about how this was affecting her and her Political Career. (attachment 5).

\_\_\_\_\_ sent me an email on \_\_\_\_\_ ordering me to send an email to informing him that neither Judge nor Constable were aware of the formal complaint that was lodged and that both parties were made aware of said complaint after the fact. I sent the email to Constable \_\_\_\_\_ and responded to Judge \_\_\_\_\_ (Attachment 6)

I believe that Judge \_\_\_\_\_ violated the following:

Judicial Code of Conduct RULE 1.2 Promoting Confidence in the Judiciary

Judicial Code of Conduct RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office

Judicial Code of Conduct RULE 2.16. Cooperation with Disciplinary Authorities

EMPLOYEE WORKPLACE CONCERNS -  
V. POLICY

D. Employees who submit concerns in good faith shall not be subject to adverse action for submitting the concern

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND RETALIATION -

H. Retaliation: Adverse treatment or action because the employee engaged in a Protected Activity.

## Record of Counseling

(To be placed in Supervisor's file)

Court:

Date:

Employee's Name:

Court Manager's Name:

### Counseling

\*You developed written correspondence on behalf of \_\_\_\_\_ Court in \_\_\_\_\_ .The correspondence included information that \_\_\_\_\_

- could not be verified (letter must be attached).
- included information relating to approval of \_\_\_\_\_ Court, which requires prior discussion, coordination, and approval by myself with the Constable Administrator
- is in violation of one or more Code of Ethics rules

Policy violation, etc.:

Code of Ethics Re Judicial Staff, Rule 2.4(B) reads:

(B) A judicial employee shall not permit family, social, political, financial, or other interests or relationships to influence the performance of court duties.

Canon 4, Rule 4.1 reads:

**A JUDICIAL EMPLOYEE OR CANDIDATE FOR JUDICIAL DEPARTMENT OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.**

#### **RULE 4.1**

##### **General Activities**

In general, a judicial employee may participate in any political activities that do not give the impression the judiciary itself endorses political candidates or supports political causes, except when assigned to do so regarding measures to improve the law, the legal system, or the administration of justice.

##### **Comment**

1. The judiciary seeks to maintain neutrality in political matters. While judicial employees may express and act on personal opinions about political candidates and issues as other citizens, they should maintain neutrality in action and appearance when performing their duties on behalf of the judicial department, unless their positions permit political advocacy on the part of the judiciary. To this end, judicial employees should separate their political activities from employment duties.
2. As long as a judicial employee does not give the impression the judiciary itself endorses a political candidate or supports a political cause, the employee may circulate candidate nomination petitions or recall petitions; engage in activities to advocate the election or defeat of any candidate; solicit or encourage contributions to be made directly to candidates or campaign committees which are contributing to candidates or advocating the election or defeat of candidates.
3. An employee can best avoid the impression political activity is on behalf of the judiciary by not identifying himself or herself as a court employee while engaging in political activities or, if asked, explaining that the he or she is simply participating as a concerned citizen. These political activities must be conducted outside of normal working hours and away from the work place to avoid any association with the court.

**RULE 4.2**

**Personal Staff, Courtroom Clerks, and Managers.**

In addition to the other sections of this canon, members of a judge's personal staff, courtroom clerks, and court managers shall be subject to the same political limitations as judges contained in Canon 4 of the Code of Judicial Conduct, except as provided in Rule 4.3 of this code, and may not hold any elective office.

**RULE 4.5**

**Workplace Activity**

During scheduled work hours or at the workplace, judicial employees shall not engage in political campaign activities and shall not display literature, badges, stickers, signs, or other political advertisements on behalf of any party, political committee, agency, candidate for political office or ballot measure. Judicial employees authorized to do so may participate in approved activities regarding measures to improve the law, the legal system, or the administration of justice.

**Comment**

A personal vehicle parked in a space or a parking lot reserved and identified for court employees is covered by these work place limitations. Where such reserved parking exists, displaying political materials on vehicles brings political advocacy to the workplace because the parking lot is part of the workplace.

**RULE 4.6**

**Political Pressure**

Judicial employees shall not use their official authority or position, directly or indirectly, to influence or attempt to influence any other judicial employee to become a member of any political organization or to take part in any political activity

**Recommendations Given To Employee**

- You are not to develop or disseminate any oral or written correspondence on behalf of the Court without obtaining my explicit instruction to do so (excluding your directed to
- Vet all correspondence as stated above with the judge prior to distribution
- Create a plan with the judge on how to develop and disseminate official and written information Court oral

Follow-up will occur during your next evaluation period,

**Failure to comply may result in further disciplinary action.**

I understand that my signature below does not necessarily imply agreement with the statements made in this document but that I have reviewed the information with my supervisor.

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Presiding Constable                      County

I am writing you to make a complaint about the                      Court  
Constable                      Constable                      brought a candidate for the  
election into the                      and proceeded to parade her into the  
                    and introduce her to                      and  
                    replacement. Constable                      has discussed with my Judge  
                    if she would endorse this same candidate which I believe is  
something that the JP's are not supposed to be doing. Constable                      has not  
announced one way or the other if he will be running for Constable in the  
election so I believe that Constable

Constable                      has been notified that when Constable                      is not available  
due to her job performance as Constable she is not to cover the  
Court per my instruction. Constable                      has used foul language and rude  
behavior towards the                      Constable and I wanted you to know that as an  
elected official I find Constable                      actions unethical, unprofessional and her  
behavior with my Constable                      unacceptable. I would like to thank you  
for your time.

**From:**  
**Sent:**  
**To:**  
**Subject:** Re: Form submission from: Complaint Form

We are in receipt of the complaint you submitted against Constable \_\_\_\_\_ on \_\_\_\_\_ An initial screening of the complaint will take place at the next \_\_\_\_\_ board meeting, currently scheduled for \_\_\_\_\_ At that time the board will determine how they wish to proceed with the complaint.

The meeting agenda will be available on our website once it is finalized.  
<https://>

Please let us know if you have any questions.

Phone  
Fax:

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**From:**  
**Sent:** \n  
**To:**  
**Subject:** Form submission from: Complaint Form

Submitted on  
Submitted by anonymous user:  
Submitted values are:

Name of Constable:  
Precinct/Court: \_\_\_\_\_ Court  
Is this complaint related to a lawsuit? No  
If Yes, Name of Court:  
Case Number:  
Name of Case: "Plaintiff" vs. "Defendant"  
Your Name:  
Your Phone:  
Your Address:  
Your City State Zip:  
Your Email Address:  
Statement of Facts:

\_\_\_\_\_ while acting in an elected official capacity as Constable brought a potential candidate for Constable in the \_\_\_\_\_ election for the \_\_\_\_\_ Court into the County facility. Constable \_\_\_\_\_ went into the

**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.**