

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-342

Judge:

Complainant:

ORDER

February 8, 2023

The Complainant alleged a justice of the peace improperly reprimanded her, harassed an employee, and engaged in administrative misconduct.

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 February 8, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-342

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Judge

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.

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From:

Re: Justice of the Peace for

I have been

I have been

I have

I have always

My Complaints against Judge are the following:

1. Misuse of Position-

A. Write up for Neglect of Duty and Failure to report potential FMLA employee. I have attached the write up and my detailed response. Per Judge and HR this write up needed to be done in order to write up.

B. It was mentioned to me that Judge was coercing employees to speak negatively while they were acting as her in the courtroom. The effect of her communication with the staff created a rebellion and I was unable to effectively do my job as due to lack of support from the Judge. There is mention of this in my response.

2. Workplace Harrassment-

A. Employee on ADA having to work 8-5 when I
There are several harassing details from the Judge in reference to ADA. Employee will need to be interviewed.

3. Administrative Misconduct-

A. Failure to keep my best interests in mind during a bad break up. My X had called Judge and left messages for her to call him. It is my understanding she did not call him back. We both had Orders on one another, his was unnecessary. Neither one of us had been served. I have attached Text messages between myself and the Judge. She tells me I need to get served right away. I explained the situation and she still insisted I get served right then. He was coming to my work every day and she was not supporting me. Due to these event's I felt it necessary to put in my retirement resignation.

Employee Name: _____

Title: _____

Supervisor: _____

PIP Type: New

Duration of PIP: 90 days

Effective Date: _____

End Date: _____

Supervisor: An employee should be placed on a performance improvement plan (PIP) if: the employee has received anything less than "meets" on a performance evaluation. In the table below, identify the job trait(s) that require improvement and proceed by following the guidance within the table. At the conclusion of the PIP, the employee will be rated on the specific trait(s) listed. Should you need any guidance, please contact a Human Resource representative or e-mail: _____

Employee: This performance improvement plan (PIP) is a tool designed to identify deficiencies, clearly communicate performance expectations, define goals and provide an opportunity to demonstrate improvement and commitment to your role as a _____ the following area(s) must improve to a "meets" or above rating during the time frame of _____

Deficiency 1: Planning and Organizing						
1.	_____ has failed to supervise the work activities and hours of the court staff.					
2.	The expectation is that _____ can account for the daily work product and hours recorded in _____ for the _____					
3.	<u>Prepare payroll</u> - Review staff timecards weekly to ensure accuracy. Check for discrepancies, including: work schedules, missing time, work hours for correct reporting and coding. There should be minimal timecard corrections completed by you as the _____ Address timecard issues immediately _____ Submit the current work schedules to payroll for _____ to ensure accurate reporting in _____ by _____					
4.	<u>Track court activity</u> - Monitor workload and caseload. Develop report for auditing of staff work product by _____					
5.	<u>Compile and Report Data</u> - Prepare and review daily, monthly, quarterly and yearly reconciliation. Develop standardized procedures relating to report generation and data control. Reports to be reviewed with supervisor on a monthly basis.					
Start of PIP rating:	<input checked="" type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding	
End of PIP rating:	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding	
Deficiency 2: Leadership						
1.	_____ has failed to demonstrate effective leadership skills.					
2.	The objective is to develop clear job expectations for each job title and ensure accountability					
3.	<u>Develop Work Plans</u> - Establish work plans and expectations for each job title _____ Review work plans and expectations with _____ by _____ to ensure understanding and compliance. Quarterly meetings to be established and completed with each _____ performance management. _____ to meet with supervisor for quarterly meetings to review performance.					
4.	Develop _____ for counter duties by _____ to only cover _____ in the event of an emergency or preapproval has been received by the supervisor.					
5.	<u>Learning and Development</u> - for each area of deficiency, _____ will seek out appropriate _____ development, with preapproval from supervisor. To be completed b _____					
Start of PIP rating:	<input checked="" type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding	
End of PIP rating:	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding	
Deficiency 3: Adherence to Policies and Procedures						
1.	_____ failed to follow the policy and procedure for _____ related to reporting purposes					
2.	The expectation is that as a _____ and an _____ will adhere to all policies and procedures.					
3.	<u>Compliance</u> - Comply with all applicable policies, procedures, and directives and receive prior approval from supervisor for any deviations. This is an ongoing corrective action and applies to both the _____ and the _____ the _____ Court.					
Start of PIP rating:	<input checked="" type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding	
End of PIP rating:	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Marginal	<input type="checkbox"/> Meets	<input type="checkbox"/> Exceeds	<input type="checkbox"/> Outstanding/	

_____ agree to meet Monthly at TBD to discuss performance improvement plan progress unless otherwise noted.

Please be advised that you must meet expectations at the end of the PIP. Failure to show immediate and sustained improvement may result in disciplinary action, up to and including dismissal.

Employee name: _____

Signature: _____

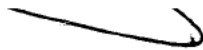
Date: _____

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.

As a _____ you are required and expected to serve as a role model for the Justice Courts, conduct yourself in an ethical and professional manner at all times, and abide by all court policies and procedures. Immediate and sustained improvement is required. Future misconduct may result in further disciplinary action, up to and including dismissal.

This is a formal disciplinary action that will become part of your official County personnel file. You do not have the right to appeal this disciplinary action; however, you may choose to provide a written response to be placed in your official personnel file. Response must be provided to Justice Courts Human Resources within 7 court days of receipt of written reprimand.

Sincerely,



Justice of the Peace

I, _____, acknowledge that I have received this written reprimand on _____. I understand that my signature below does not necessarily imply agreement with the statements made in this document or the disciplinary action taken, but that I have received a copy of this action. I further understand that a copy of this reprimand will be placed in my official _____ County personnel file and that I have the right to submit a written response to Justice Courts Human Resources within 7 court days of receipt of written reprimand, and that it will be attached to the original letter of reprimand.

Employee Signature

Date

cc: Justice Courts Human Resources
Judicial Branch Human Resources

**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.**