

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-130

Judge:

Complainant:

ORDER

February 8, 2023

The Complainant alleged a justice of the peace violated her rights under the ADA and FMLA, and subjected her to harassment, bullying, and 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, 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

22-130

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.

I have concerns about Judge _____ violations of Canon 2: Rule 2.2, Rule 2.3, Rule 2.12 -
I was authorized to participate as a member of the _____ County Justice Courts " _____ " by
telecommuting full-time. While telecommuting I provided detailed spreadsheets of tasks performed which
could further be verified through court automation system. In _____ I reported to the court via
court manager, _____ of _____ which limited my ability to walk, stand,
drive etc. The Judge, Court Manager, nor HR requested I complete or submit FMLA or ADA
documentation. I received a phone call at approximately _____ on _____ from
_____ and _____ stating Judge _____ required me to return to work at the office by
_____ morning _____. I was in shock, reminded _____ and _____ of my disability associated with my
_____. The next day, _____ I saw my primary care doctor. _____ who completed,
signed and faxed FMLA documentation to HR. _____ indicated I would be able to telecommute for
40 hours per week as it would provide me the ADA accommodation to be able to _____. I also
notified the court and submitted FMLA documentation. Judge _____ retaliated against me for having a
disability and refused to authorize me to continue telecommuting effective _____ after learning I had a
disability and was submitting FMLA documentation. This forced me to have to use leave time and created
operational problems for court staff. Further, although the Judge and HR were aware of my disability they
requested I drive from my home in _____ to _____ to return the court's laptop. This would be
in direct conflict with Dr. _____ recommendations requiring me to drive, walk, stand in order to deliver the laptop.
Multiple doctors completed and submitted ADA documentation to HR multiple times. HR staff (_____)
caused confusion and delays by not retrieving and giving me and doctors wrong fax numbers
forcing me to make multiple repeat doctor appointments and my doctors and staff having to re-submit
documentation which cause further unnecessary delays forcing me to use leave time. ADA
documentation was ultimately approved. Further, I was approved to work from home from
until _____

One month after learning of FMLA and ADA issues Judge _____ issued a written reprimand on
_____ which was not appealable. The delay and processes followed seem to be unfair and in violation of
Rule 2.5. The written reprimand was done without speaking to me, gathering facts or providing any
opportunity for me to provide written proof that I was authorized by my Manager, _____ to
work from home using my personal laptop to complete _____. Although I had successfully
worked from home from _____ Judge _____ after learning I had a disability, refused to allow me to
work from home even though I had multiple doctors confirm my disability and reasonable accommodation
to continue working from home. I was forced to take FMLA leave from _____ to _____. On
_____ I returned to work at the _____ Justice Court.

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Although all staff was authorized to work a four 10 work week, and knowing it was a struggle for me to drive and work at the court, Judge _____ refused to allow me to work the four ten hour work week schedule. It was only AFTER I had my doctor(s) provide ADA documentation showing the four 10 hour work week would be a reasonable ADA accommodation, did Judge _____ allow me to work four 10 hour work week schedules. Her ongoing harassment and actions caused me extreme stress and demonstrated her retaliation against me for having a disability. She treated me unfairly and unreasonably. Further, although I submitted multiple written requests to meet with her to discuss her reprimand, she refused as did HR. In fact, _____ from HR told me the reprimand would NOT be finalized until after I returned to the court on _____. I requested a copy of my HR file and on _____ it was mailed to my home address. The documents in my file included the written reprimand, did not include _____ letter stating the reprimand would not be finalized until after the Judge and HR met with me and did NOT include my response to the _____ reprimand.

Upon returning to the court _____ court staff harassed me and there was an overall hostile work environment that I reported to _____ who reported the problem to Judge _____. Judge _____ refused to meet with me to discuss the harassment, bullying, and overall hostile work environment associated with the behavior of _____ and other court staff. The harassment continued even after _____ retired. I reported the harassment incidents, other staff witnessed and reported the harassment to the new _____ on multiple occasions. I asked to speak to the Judge on more than one occasion in order to provide evidence of poor leadership and supervision by _____ and _____. This appears to be in violation of Rule 2.12(c).

Administration and Human Resources
Attn:

Re: Letter of Resignation from Employee #

and staff;

Effective I am resigning my tion with
Justice Court. I have consistently reported issues associated with a hostile work
environment, discrimination, and harassment for over one year. I also reported retaliation
and harassment while I was on FMLA and dealing with ADA qualified disabilities.
Unfortunately, the harassment and discrimination has continued and is no longer
tolerable.

I have removed only my personal belongings from the court and will mail my badge
certified mail, return receipt, restricted delivery to . I have completed and
approved my timecard.

Please provide me a signed and dated acknowledgement of receipt of my resignation on
your letterhead by by scanning and emailing it to

Respectfully,

Phone:
Email:

Dear

On behalf of Judge please review the attached letter. A meeting will be scheduled to sign and finalize upon your return from leave. Per the letter you may choose to provide a written response.

Sincerely,

Human Resources Analyst

Justice Courts

Tel: |

Fax: |

Written Reprimand

DATE:

TO:

FROM:

SUBJECT: Written Reprimand: Neglect of Duty and Insubordination

Dear

You are a _____ and have been in this position with the _____ Justice Court since _____. This letter serves to inform you that you are receiving this written reprimand as a result of your violation of the Judicial Merit Rules, Section 14.5 Neglect of Duty and Section 14.6 Insubordination.

Per my direction, telecommuting was not approved after _____. You received an email from Human Resources on _____ confirming this directive. _____ shows you punched in and out on _____ and _____ and recorded work time for each of those days. This is a complete disregard of the direction provided to you.

As a _____ you are expected to 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 calendar days of receipt of written reprimand.

Sincerely, _____

Justice of the Peace

**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.**