

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-461

Judge:

Complainant:

ORDER

April 12, 2023

The Complainant alleged a justice of the peace violated election rules and has a conflict of interest based on employment of an immediate relative in the court system.

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 member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 12, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-461

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.

is running unopposed in the

Election, hence the Elect reference.

ISSUE:

In the online version of the laws, dated
an article stated that sitting had filed an intent to
run for County Precinct. However, her resignation was not
tendered until the last week of Per the definition of "Judicial candidate found in the
Terminology section of the Arizona Code of Judicial Conduct, "A person becomes a candidate for
judicial office as soon as he or she makes a public announcement of candidacy." Canon 4.1, General
Considerations comment 2 notes, "When a person becomes a political candidate, this canon
becomes applicable to his or her conduct." As such, it appears that should have resigned
her seat on the in not in the month of

ISSUE:

is the current for pinal precinc an officer
of the court. He is running unopposed for in the election. As stated in Canon 1.2. ... A
judge shall, "... avoid impropriety and the appearance of impropriety." A
can present the appearance of impropriety. The test for the appearance of impropriety is
noted in comment 5 of Canon 2 specifying whether one's "... conduct would create in reasonable minds
a perception that a judge violated this code..." In this particular scenario, there have been no prior
opinions as to however, there a several Arizona Supreme
Court Advisory Opinions that bear some similarities: Advisory opinion asking the question of
whether a judge is to disqualify themselves when
and Advisory Opinion when a judge is related to Coincidentally, Advisory Opinion
was in reference to the same in but was previously identified as
precinct Does a with working out as their
present an appearance of impropriety? And while a judge is to follow the
Arizona Code of Judicial Conduct, is a to follow the Arizona Code of Conduct for Judicial
employees which mirrors the Judicial Code of Conduct?

ISSUE:

One of the duties of a include as directed by the
court. Does the scenario of a giving direction, regarding
as issued by the court, to a constitute an appearance
of impropriety? And would this scenario be considered one of within the court?
County Policy and Procedure (addresses no direct supervision
over a to include However, in instances where ', ... not
organizationally under the direct supervision of the , then the decision is left to the
or as to whether that employment relationship will be allowed,
however, would that allowance pass the test for the appearance of impropriety?