

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-483

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Judge:

Complainant:

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**ORDER**

July 10, 2023

The complainant alleged a justice of the peace behaved unprofessionally toward colleagues.

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 Colleen E. Concannon, Scott C. Silva, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 10, 2023.

## IN THE STATE OF ARIZONA

2022-483

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

RE: Official Complaint

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I am writing to fulfill my ethical obligations.<sup>1</sup>

On \_\_\_\_\_, I received information indicating a substantial likelihood that a Justice of the Peace in \_\_\_\_\_ County committed judicial misconduct.<sup>2</sup>

STATEMENT OF FACT

That afternoon, in response to an email I had written to members of the judiciary earlier that morning (*see* Attachment A), I was contacted by Justice of the \_\_\_\_\_ via text message. The text message indicated that Judge \_\_\_\_\_ had information that could help answer some of the questions raised in the email.

Later that afternoon, I called Judge \_\_\_\_\_ to talk. Judge \_\_\_\_\_ told me troubling accusations about a colleague; *viz.* Justice of the Peace \_\_\_\_\_.

Judge \_\_\_\_\_ informed me that she had personally seen “\_\_\_\_\_” and “\_\_\_\_\_” text messages that Judge \_\_\_\_\_ had sent (while allegedly intoxicated) to a colleague on the Bench; *viz.* Justice of the Peace \_\_\_\_\_. Judge \_\_\_\_\_ further alleged that Judge \_\_\_\_\_ had sent a series of harassing text messages and voicemails, to not only Judge \_\_\_\_\_, but also to Justice of the Peace \_\_\_\_\_. And finally, Judge \_\_\_\_\_ said that Judge \_\_\_\_\_ had a drinking problem and that he had conducted judicial business while intoxicated.

After my phone call with Judge \_\_\_\_\_, I was called by Judge \_\_\_\_\_. During the course of our conversation, I raised the allegations that had been relayed by Judge \_\_\_\_\_.<sup>3</sup> Judge \_\_\_\_\_ flatly denied the allegations. “\_\_\_\_\_” he responded. Judge \_\_\_\_\_ then relayed to me the bitter irony of the accusations against him. Judge \_\_\_\_\_ informed me that *he* was actually the victim of late-night harassing phone calls from a licensed Arizona \_\_\_\_\_ who is engaged in an on-going relationship with Judge \_\_\_\_\_.

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<sup>1</sup> Arizona Code of Judicial Conduct Rule 2.15(C).

<sup>2</sup> *See id.* at Comment 2: A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C).

<sup>3</sup> *See id.*: Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this code....

Judge        alleged that on the evening of a county-wide vote by the Justices of the Peace for a new Presiding Justice in        County, that a        called up Judge        and began berating Judge        for how he had voted in the election. Judge        informed me that        was shouting and slurring words during the call, and that Judge        believed        was intoxicated.

Judge        claimed that he was eventually able to calm down        ; but the next evening,        again called Judge        and began yelling and shouting at him all over again. Judge        informed me that, the next day, Judge        called        and let him know his behavior was inappropriate and that if it happened again, Judge        would report        to the        .

After my phone call with Judge        , I was called by Judge        . Judge        also called to answer some of the questions raised in my email. Judge        told me that indeed Judge        had sent harassing and threatening messages to not only her, but also Judge        and Judge-elect        . Judge        informed me that these threatening messages from Judge        spanned several        . Judge        stated that she had told then-County        Judge        about the threatening messages; and that recently Judge        had told current-County        Judge        about the messages he had received from Judge        .

During our conversation, Judge        claimed that Judge        did not have the proper “        ,” that his “        ,” and she had concerns about his “        .” Judge        claimed that she had “        ” why Judge        was doing this to her (or anyone else) and that the messages and calls would “        .” She reiterated that she construed the messages as “        ,” that the threats they contained made her “        ” and that the whole situation was “        .” She finally alleged that the most recent incident between the two had occurred in-person at a judicial conference in        ; and that there were witnesses to Judge        harassing behavior.

After the phone call with Judge        , I received a text message from Judge        . The text stated: “        .”

Troubled by what I had learned, the next day—        —I contacted my supervising judges:        and Judge        .<sup>4</sup> I informed them of the interactions with my colleagues from the day before. I then sought advice on how to proceed. Both judges stated that the decision on whether to report the incident to the Commission on Judicial Conduct was entirely my own. After again consulting the Rules, I believe this Complaint discharges my ethical duty.<sup>5</sup>

<sup>4</sup> See Rule 2.15, Comment 2: Appropriate action may include ... communicating with a supervising judge.

<sup>5</sup> See *id.*: Appropriate action may include ... reporting the suspected violation to the appropriate authority.

## NAMES OF WITNESSES

The Honorable	Justice of the Peace,	
The Honorable Judge	, Justice of the Peace,	
The Honorable Judge	Justice of the Peace,	
The Honorable	Judge	Judge of
The Honorable	Judge	former- Judge of
The Honorable	Judge (ret.)	, Justice of the Peace Pro Tempore

## CONCLUSION

I do not have all the facts. Nor do I know who is telling the Truth. But what I do know is that: *a substantial likelihood exists that at least one of the Justices of the Peace in has committed gross judicial misconduct.*<sup>6</sup>

Thank you for your attention. Please let me know if you need any further information.<sup>7</sup>

7AITHFULLY,

Justice of the Peace

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<sup>6</sup> See Rules 1.2 (Promoting Confidence in the Judiciary), 2.15 (Responding to Judicial and Lawyer Misconduct), 3.1 (Extrajudicial Activities in General), and 3.2 (Appearances Before Governmental Bodies and Consultation with Governmental Officials).

<sup>7</sup> Rule 2.16(A): A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

**From:**  
**Sent:**  
**To:**  
  
**Cc:**  
**Subject:** What Happened?  
**Attachments:** Pro Tem names.pdf

ALL,

From my perspective, yesterday was another sad day for Justice in . I would like to figure out what exactly happened so that we can ensure it does not happen again.

It was my understanding that as part of the New Judge Orientation that the Court is planning for that Court Administration had devised a strategy to cover cases with the help of pro tems while the judges were either training or helping with training the new judges. I was also under the impression that Judges and were going to be helping the Court during this time.

In mid- I was approached by the JAAs with a memo that requested my signature to send the names of the six (6) prospective persons to the County Judge who would then forward the names to the Board of Supervisors for approval as pro tems. Because nobody had directly responded to Judge I email that requested input from everyone on the proposed names, I felt comfortable signing-off on the document. See attached.

However, the day before the Board was set to vote on the issue, I received information (informally) that the County Judge had altered the list of names that had been sent. I was not formally informed of the decision, nor provided any reason or justification. To be fair, the law (through a grant of statutory authority) gives the power to name pro tems to the County Judge. See ARS 22-121(A). Regardless, it is my understanding that the JAAs work for the County Judge and, therefore, when the JAAs approached me for a signature on the document, I assumed that the County Presiding Judge had approved of the list of names.

Yet, the list of names was changed without any communication to the Court. In reviewing the public record, it appears that letters from Judge and Judge had been exchanged in which allegations of backroom dealing were raised, and denied. Yet, if no backroom deal was made ... what happened?

Judge does an admirable job outlining how this decision flaunts the judicial nomos. The Court had a plan (and a need) to utilize the services of pro tem judges. But the Court obviously failed in conveying and communicating that need to the Board.

At the BOS meeting, the Court experienced further embarrassment. At one critical point during the meeting, when there was some confusion about what the Court's needs were, the Chair poignantly stated: "

But, sadly, there was no judge there to help the Board. I currently serve as Justice. I would have happily appeared at the Board of Supervisors meeting to explain the Court's position; but nobody communicated anything to me. I was not aware that the County Judge was not going to appear at the meeting until it was too late to appear myself. Further, even if I had appeared, it is clear, I was in no position to actually understand what was going on. Because, although no " " took place, the decision-making had certainly not taken place out in the open nor was the decision even communicated to anyone.

We cannot have an open, honest, and transparent government in \_\_\_\_\_ County when we do not engage in an open, honest, and transparent decision-making.

At the meeting, there were explicit references to memorandums shared by members of the bench to members of the Board that seemed to imply impending changes to Justice Court procedures, specifically regarding the pro tem judges. I am unfamiliar with anything in these memos beyond what was read into the record at the meeting. Can these be shared?

It is my understanding that the Board has kicked the can down the road and will not re-evaluate the topic until \_\_\_\_\_.  
I would like to know:

What is going to happen between now and then?

Does the Court have a plan?

Why was the Court's need not better explained to the Board?

Why were the names of the list submitted to the Board privately changed?

In conclusion, yesterday was publicly embarrassing for the \_\_\_\_\_ Court. Rather than abate accusations of "\_\_\_\_\_" the actions, and body language, of the Board of Supervisors seemed to give fuel to the fire that something secretive and untoward occurred. See

*What happened?*

Sincerely,

**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.**