State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-032

Judge:

Complainant:

ORDER

Complainant alleged unprofessional and biased statements by a municipal court judge pro tem responding to a questionnaire as a prospective juror, including the judge's statement that victims cannot be trusted to tell the truth.

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 a violation of the Code. The named judge is a part-time judicial officer as defined under Part D of the Code. The alleged misconduct occurred at a time when the judge was not engaged in any judicial functions, thus depriving the Commission of jurisdiction over the judge's conduct due to the limited application of the Code to Part D judges. The Commission approved sending the judge an advisory letter expressing condemnation of the judge's statements. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: March 30, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all
appropriate persons on March 30, 2023.

Comp
23-032

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
Via Email and Mail: cjc@courts.az.gov

To Whom It May Concern:

In County case number , this court issued an online case-specific questionnaire to proposed jurors to assist with voir dire. After reviewing the responses, the parties and court excuse jurors for cause before trial.

In reviewing the responses, the court and parties observed one concerning response from juror number who stated she is the " ". Juror completed questionnaire contains some responses that raise a substantial likelihood that she violated Rule 1.2 of the Arizona Code of Judicial Conduct. Juror completed questionnaire and a copy of this court's order unsealing the completed questionnaire are enclosed.

In addition to the responses, it is also concerning that juror commented on one of the witnesses, (" "). The questionnaire used does not name as a witness. Presumably, this prospective juror reviewed the witness disclosure, which does list Due to the sensitive nature of the charges, this case is not available on the Court's online system. The only way to view the case file is to use one of Court's computers. To the extent juror used the Court's computer that is this raises additional questions that she violated Rule 1.2 of the Arizona Code of Judicial Conduct.

If you have any questions, do not hesitate to contact me.

Sincerely

County

View results

Respondent

Anonymous

Time to complete

Introduction

This questionnaire is designed to help the Court and the lawyers pick a fair and impartial jury. So please answer the following questions honestly. Your answers will be viewed by only the judge, the lawyers, and parties.

None of the questions are meant to invade your privacy. Instead, we use this questionnaire to get information from you to help us pick jurors that will be fair to both sides. We all have attitudes, feelings, opinions, and life experiences that could influence the way we consider a trial. During the jury-selection process, it is okay to acknowledge and talk about these attitudes, feelings, opinions, and life experiences, and we ask that you do so to ensure justice is served in this trial.

Please don't withhold information. Instead, make sure your answers are as complete as possible. Such answers will help us pick the "right" jury for this trial.

Don't be concerned with whether your answers are "right" or "wrong"; this isn't any sort of test. Just be honest and candid.

You aren't allowed to do any research about this trial. You must not look up the parties or the lawyers. As a juror, you must decide the trial based only on the evidence presented during trial.

If you have trouble reading, understanding, or filling out this questionnaire, please contact the Jury Office at

Oath & General Information

Because your answers are like the ones you would give in Court, you must swear to give truthful answers under oath.

1. Do you swear or affirm that the answers you give to the following questions are true and correct to the best of your knowledge and belief? *

   ◯ I do.

2. What is your last name? *

3. What is your first name? *

4. What is your 7-digit juror badge number? *

5. What is your phone number? We will only use it to communicate updates about your juror reporting status. *

6. What is your email address? We will only use it to communicate updates about your juror reporting status. *

COVID-19 & Protocols

Masks are currently recommended but not required in the courthouse and in courtrooms.

7. Do you wish to be excused from this trial for a reason related to the COVID-19 pandemic? *

- Yes
- No

8. If yes, please explain. *

Length of Trial & Undue Hardship

Although time consuming, jury service is a civic responsibility that is essential to the administration of our justice system. Accordingly, inconvenience alone isn't legally enough to excuse you from your duty. Instead, you may be excused only if serving on the jury would cause you or someone you care for an undue hardship (e.g., financial, physical, or medical).

The trial you have been selected for will start and is expected to last until You would need to report on (with a short break for lunch). The normal trial schedule is weekdays from or :o , with lunch and afternoon breaks. Opening statements are expected to begin followed by the presentation of evidence, which is expected to last days. After closing arguments are presented by the parties, your deliberations on the issue of whether the defendant is guilty of the charges can last as long as necessary.

9. Would serving as a juror for this trial create an undue hardship for you or someone you care for? *

Yes

No

10. If yes, please explain. *

Nature of Trial

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.