

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-258

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Judge:

Complainant:

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**ORDER**

October 13, 2023

The Complainant alleged a justice of the peace made improper accusations against other justices of the peace and then improperly ruled on a notice of change of judge for cause.

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 Barbara Brown and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 13, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023 - 258**

**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.

On \_\_\_\_\_ Justice of the Peace, \_\_\_\_\_ authored an email to all the Justices of the Peace in \_\_\_\_\_ county, along with administrative court personnel and the Presiding Judge of \_\_\_\_\_ County Court, \_\_\_\_\_.

Contained within the email was an allegation that myself, Justice of the Peace \_\_\_\_\_ Justice of the Peace \_\_\_\_\_ and the Presiding Judge of \_\_\_\_\_ County \_\_\_\_\_ Court were racist and sexist. These allegations are not only completely false but patently offensive and in violation of Arizona Code of Judicial Conduct. Furthermore, she made an allegation that somehow there was a " \_\_\_\_\_ " referring to the above named Judges. This email is now a public record and may be requested by anyone.

I have provided a copy of the email which I have highlighted the specific comments made.

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**From:**  
**Sent:**  
**To:**

**Cc:**  
**Subject:** Re: Memos regarding applicants

To say I was blindsided by yesterday's call letting me know that Court Presiding Judge is forcing the committee to vote again - not less than a few hours after our meeting - would be an understatement. As a member of the Pro Tem Committee, I put weeks of my time to create an ethical, deliberative vetting process (that was approved by Judge ). The commitment for me was not just participating in each interview over the past months, but hours reading memos, resume and other documents at night. I am genuinely upset to learn yesterday that all our efforts have been set aside in order to cast new votes today, less than hours since some of my colleagues opted not to vote at all. I have taken this arbitrary decision to vote again quite personally.

Looking at the composition of our committee, there are sitting on our committee and there are JP's who are non-attorneys, as well as . I hope that none of these factors were used to grant a re-vote. I point this out because each and every member on the pro tem committee has a college degree, which means we are all capable and qualified of reaching the conclusions we did as a committee.

Now we are being asked to conduct a re-vote and have not been provided with a reason. I have questions and believe I am entitled to some answers.

Did a majority of the members on the bench formally object to the vote we took yesterday? Or was it a handful that forced this decision? I worry about the tyranny of the minority as we chart the future of this court.

I can assure you that all the names that we put forward were properly vetted by the committee and treated with respect. With each interview, memos were drafted, and a vote was taken by each committee member present. With that said, some individuals did not move forward. I believe for good reason.

Current Pro Tems

I'll begin with the names that were put forward who were current pro tems. I voted no to each of these individuals.

As a committee we put a lot of time and effort into creating a process of vetting everyone. A lot of thought and effort went into each question that was to be asked on the application, interviews were scheduled and conducted by the committee. Four JPs, and blocked out large chunks of their time to accommodate everyone who applied.

However, when it came to current pro tems, we were told they would only need to take part in a single meet and greet. I made it very clear to the committee chair that I did not approve of a meet and greet as it was a very different standard than we had for other applicants. In different meetings I made it very clear that I would be voting no for everyone who did not take part in the process created by the pro tem committee.

As a new JP, who has absolutely no idea who these candidates are, I could not in good conscience vote yes for them. I felt a simple meet and greet did not suffice but I was told by , who I believe put this meet and greet together that all the current JP's would vouch for them. But, I thought what a huge disservice to myself and the two other new JP's. Which honestly made me think, if I were the candidate in this same position, would I get the same free pass to bypass the process created by the committee? I have come to realize that no I would not.

In fact, the "meet and greet" was sprung on us at the last minute because it was to be held at the exact same time as one of our interviews. So, as I was preparing my notes for the interview, I was simultaneously introduced to (1)

one current pro tem. The only pro tem to show up to the “meet and greet”. I had to apologize to this pro tem because I had no idea it was going to be conducted as we were preparing for our interview. It was disorganized and I felt it was inappropriate to make out interview candidate wait. In the end, regardless of experience, I voted no for every current pro tem.

**We put a process together and that process should have been applied to every candidate. I question this process for existing pro tems, will they forever get a pass on interview with the committee every year?**

Candidate

There is candidate who’s time on the bench for a focal point of separate investigations. This became a topic of contention and an issue between committee members and before we could meet as a pro tem committee to discuss this information. There was a decision by a committee member, which was unprofessional and disrespectful to the entire committee, who leaked draft info to the court presiding judge. While the Judge stated the memos were “ ” but I disagree.

As a committee member I did find them reliable and very persuasive.

As the new JP, I have come to realize that time on the bench and caseload absolutely matter. I was elected to this position thinking I was going to make a pretty decent wage but I quickly learned my annual income would be most likely nowhere near what many of you make as County JPs. The time you spend on the bench working on your caseload impacts how much you get paid. My predecessor only hit judicial points at the end of the last fiscal year, which impacted my wage coming into this position. In the time that I have been on the bench we have increased by but I’m still only sitting at judicial points right now and the only way I improve my financial circumstances is I can hit judicial points by the end of the month. I know I will be able to hit that number next year but I might not be so lucky this coming year.

My point in this brutally honest email about this is that and are not as lucky as consolidated where your numbers are grouped together, our numbers are not. So, attendance absolutely matters and that is the reason why I voted against that particular candidate.

Candidate

If Candidate were to proceed I believe it would damage the credibility of this institution and the county. I will admit that early on in the process I was approached by a current sitting JP about this candidate as a possible Pro Tem. A lunch was scheduled for us to meet but luckily I shared this information with a few of my fellow JP’s who advised me that it would be highly inappropriate for us to meet each other as they were going to be a pro tem candidate for consolidate court. So we never met.

Ultimately, I did have the opportunity to sit on Candidate interview and along with the committee found this candidate to be incredibly concerning. When it came to his educational background we found it incredibly alarming that every institution on this candidates resume was neither accredited or provided any supporting information about the degrees they award on their website.

There were many instances where the candidate did not fully disclose information requested on their application such as business affiliations and actual businesses owned by the candidate. It took a simple search on the corporate commission website to see that numerous business were not included in their application. He also failed to disclose an ongoing contract he has with a school district. It is unclear how this will affect his availability.

Finally, Candidate interview solidified our concerns. Not only did he not fully answer the questions but the answers did not align with the kind of pro tem I felt we were looking to have in our courtrooms.

**In closing, as a committee member, I supported the decision to open the process to any qualified candidate. Although I disagreed with the guidance that only attorneys would be considered.**

Opening the process to everyone exemplifies our commitment here in County to openness and transparency.

In practice, as evident by the decision to force a second vote today by Judge \_\_\_\_\_, that political and personal connections created a two-tier process where some candidates did not need to meet with judicial staff or elected judges.

It is unclear to me whether this process will continue indefinitely and whether \_\_\_\_\_ County will continue to rubber stamp these former JPs and pro-tems. I don't think it is unreasonable to ask for each of them to meet with the committee and to disclose - as the other candidate did - their business and personal relationships that may interfere with the ability to be a successful pro-tem.

As for every candidate whose names did not make the final list, if you have the ability to read every memo please do. We did not come to these conclusions lightly.

Sincerely,

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**From:**

**Sent:**

**To:**

**Cc:**

**Subject:** Memos regarding applicants

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon everyone, after consultation with Judge \_\_\_\_\_, we will have the applications and memorandums available for those who wish to view them in \_\_\_\_\_ office. You will be allowed to review this information and vote if with this information as you requested in today's bench meeting. Please be advised that this is not mandatory. This information is highly confidential so don't take notes or photos of the memos. Voting begins \_\_\_\_\_ at \_\_\_\_\_ and closes \_\_\_\_\_. To avoid any confusion all names will be placed on the ballot even those that were not recommended by the committee. I hope this clarifies. Thank you again to all the committee members who worked so hard, thank you,