

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-463

Judge:

Complainant:

ORDER

February 12, 2024

The Complainant alleged a superior court judge failed to disqualify himself from hearing a case in which he had a conflict of interest.

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. A judicial officer's appearance on an election ballot does not automatically disqualify that judicial officer from deciding controversies related to that same election. The Commission determined the circumstances described in the complaint did not demonstrate that "the judge's impartiality might reasonably be questioned" under the standards set forth in Rule 2.11, Disqualification. The Commission particularly noted that the underlying litigation involved competing claims over access to certain election-related records and was not a challenge to the result of the election itself. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Michael J. Brown, Joseph C. Kreamer, and Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2024.

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

FOR OFFICE USE ONLY

2023-463

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 hope the Commission will fornaive this shock. horror and dismay over the ruling
filed by Judge on in v. If this is how the Arizona
courts are run, I weep for Arizona.

I will refrain from elaborating on the absurdity of the ruling itself, since that is appealable and outside
the scope of a judicial conduct inquiry.

The basis of my complaint is that because this case is related to which directly
challenges the results of the Arizona statewide general election, and because the
case touches on the security of ballots in that election, any judge WHOSE OWN NAME
APPEARS ON THE VERY BALLOTS IN QUESTION should obviously have been recused. This is a very
serious and glaring conflict of interests that calls for both disciplinary action against Judge and
an investigation of the Office of the Clerk of Court.

There is no excuse. The ruling should be WITHDRAWN and the litigants afforded a new hearing
before an independent and uncompromised judge.

Some might argue that because the records are seeking from are security
videos from the facility where ballots were warehoused, and not the ballots themselves, that this means
there is no conflict of interests for Judge . This is an absurd, ridiculous deflection. The
appearance of impropriety, here, is palpable.

The eggregious activity of Judge in hearing and ruling on this case SHATTERS public
confidence in an independent judiciary in County.

The case, a heartbreaking tragedy now dragging into its second year of litigation, is of
profound national and historic significance, even as it receives little national media attention. Although I'm
not an Arizonan and have no skin in the game as far as the outcome. please know that attorneys and
others outside Arizona are watching and paying close attention to County and are DEEPLY,
DEEPLY CONCERNED.