

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-019

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Judge:

Complainant:

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**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.

**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.

Judge presided over a case based on activities related to an election for which he was on the very ballot. To a lay person this is an obvious conflict of interest as the outcome of this case could be determinative on his own election. An inquiry should be made as to why he didn't recuse himself given his relationship with the election and the impact a ruling could have on his election.