



Arizona Commission on Judicial Conduct Annual Report for Calendar Year 2014

February 2015

Introduction

This is the Arizona Commission on Judicial Conduct's Annual Report highlighting its activities during calendar year 2014.

Purpose of the Commission

Arizona judges and other judicial officers are required to comply with the Arizona Code of Judicial Conduct. The Arizona Commission on Judicial Conduct is the agency that reviews complaints that a judge or other judicial officer has violated one or more of the provisions of the Code or otherwise engaged in judicial misconduct that warrants judicial discipline.

All complaints are first analyzed and investigated, as necessary, by commission staff. The commission reviews the results of staff investigations to determine if a judge has violated any rule of judicial conduct and, if so, whether he or she should be disciplined for misconduct. The commission may issue a public reprimand for low level judicial misconduct unless a formal hearing is requested by the judge. More serious sanctions such as censure, suspension, or removal, must be approved by the Arizona Supreme Court.

History of the Commission

The Arizona Commission on Judicial Conduct was created in 1970 when voters approved Article 6.1 of the state constitution. The new article, which was subsequently amended in 1988, established the commission as an independent state agency responsible for investigating complaints against justices and judges on the supreme court, court of appeals, superior court, and justice and municipal courts. The commission's jurisdiction extends to court commissioners, pro tem judges, and hearing officers serving any of these courts.

Judicial conduct commissions exist in every state and are responsible for overseeing the ethical conduct of judges both on and off the bench. They play a vital role in promoting public confidence in the judiciary and in preserving the integrity of the judicial process.

Structure of the Commission

The commission consists of eleven members with diverse backgrounds who serve six-year terms. Six judge members are appointed by the Arizona Supreme Court: two from the court of appeals, two from the superior court, one from a justice court, and one from a municipal court. Two attorney members are appointed by the board of governors of the State Bar of Arizona. Three public members, who cannot be attorneys or active or retired judges, are appointed by the governor and confirmed by the state senate.

Commission members are not compensated for their work, but are reimbursed their actual expenses in serving on the commission. The commission meets periodically throughout the year and is supported by a five-member staff located in the State Courts Building in Phoenix. Although the commission operates independently, it is housed within the judicial branch of state government and its rules must be approved by the Arizona Supreme Court.

How the Commission investigates and resolves complaints

The commission's rules contain the technical details of how complaints about judges are investigated and resolved. They can be found on the commission's website at <http://www.azcourts.gov/azcjc>. The following is an overview of that process.

Complaints can be submitted to the commission by anyone who believes a judge has engaged in judicial misconduct. The commission also has the authority to open an investigation if, for example, a news report contains information that suggests a judge may have engaged in judicial misconduct.

A file is opened for each new complaint. The commission's professional staff reviews each submission, relevant electronic court documents, and other relevant records, and then prepares a written report for review by the commission. Each commission member, unless unavailable due to a conflict of interest or other commitments, reviews each docketed complaint. If all commission members concur that no ethical misconduct occurred, the complaint is dismissed and the complainant and judge or judges involved are notified in writing of that action.

Example: A defendant in an injunction against harassment proceeding alleges a justice of the peace was rude and condescending to him at a hearing. Commission staff obtain the audio recording of the hearing and prepare a written report that all eleven commission members review, along with the defendant's written complaint. A review of the audio recording shows the justice of the peace was not rude, did not raise her voice, and was respectful of and listened to both parties before ruling on the petition. The commission determined the complaint was not substantiated by what actually happened at the hearing and the complaint was dismissed.

* * *

If a complaint raises an issue or issues that professional staff believes warrants further investigation, it may obtain audio or video recordings of court proceedings, other court records, and/or ask the judge or judges involved to provide a written response. Professional staff prepares a report for review by the commission which then decides whether to dismiss the complaint, dismiss the complaint with an advisory or warning, or to issue a public reprimand. A judge can ask the commission to reconsider its decision to issue a public reprimand or reject the reprimand and ask for a formal hearing to contest the alleged violation or violations.

Example: A litigant alleges a judge yelled at her during a hearing, was extremely impatient, and gave her a disproportionately short period of time to present her case in comparison to the time allowed the adverse party. Commission staff obtains a copy of a video of the proceeding and presents a written report to the commission on what happened. After a review of the report, the written complaint, the judge's response, and the video, the commission determines that the judge did not comply with Rule 2.6 (Ensuring the Right to be Heard) and Rule 2.8(B)(A judge shall be patient, dignified, and courteous to litigants). After considering all relevant aggravating and mitigating circumstances, the commission publicly reprimands the judge for the violations and the judge does not seek reconsideration of that sanction. The reprimand is posted to the commission's website (www.azcourts.gov/azcjc).

* * *

If a complaint appears, upon initial investigation, to involve judicial misconduct, the commission's disciplinary counsel will request the commission chair to appoint an investigative panel of three commission members (one judge, one lawyer, and one public member) to determine if reasonable cause exists to believe the judge has engaged in judicial misconduct. If the investigative panel makes that finding, disciplinary counsel is charged with filing a formal complaint against the judge which initiates a formal hearing to hear the evidence presented by disciplinary counsel and the judge. Based on the record in the formal proceeding, the hearing panel (the remaining eight members of the commission, excluding the three members who served on the investigative panel) will file written findings of fact and

conclusions of law and a recommendation with the Arizona Supreme Court as to whether the formal charges should be dismissed or a sanction imposed for a violation of one or more of the judicial conduct rules judges must comply with. The final decision as to the dismissal of the charges or the imposition of discipline is up to the Arizona Supreme Court.

It is possible that following the filing of formal charges a judge will agree to stipulate to facts that demonstrate the judge violated one or more judicial conduct rules and to a sanction for the stipulated violations. Stipulations must be approved by both the hearing panel and the Arizona Supreme Court for the agreed-upon sanction to resolve the formal proceeding.

It is important to point out that complainants are not parties to any proceeding initiated by the commission. It is possible a complainant could be asked for additional information during the course of an investigation or be called as a witness in a formal proceeding against a judge, but the actual parties are the commission and the judge. The judge is entitled to be represented by counsel of his or her choice. Both parties have discovery rights similar to that which is allowed pre-trial in a civil lawsuit in superior court, and both parties can subpoena witnesses to testify at a hearing conducted by the hearing panel.

Calendar Year 2014 Activities

The principal mission of the commission is to fairly and efficiently review, investigate, and resolve complaints about the conduct of judges. The commission received 413 complaints in 2014. As of January 1, 2015, the commission had resolved most of those complaints. The balance remain under review. The following data summarizes the disposition of the complaints resolved in 2014.

a. Dispositions

i. Public Discipline

Unless a judge requests a hearing to contest the charges, the commission can issue a public reprimand for one or more violations of the Code of Judicial Conduct or other applicable ethics standards. Reprimands are the lowest level of public sanction and serve to disapprove of inappropriate conduct that does not warrant the filing of formal charges against the judge.

Upon the filing of formal charges against a judge, a commission hearing panel can recommend and the Supreme Court can impose the sanctions of censure, suspension, or removal.

Three judges were publicly disciplined in 2014. The details of each case can be found at the following location on the Internet:

2014 Public Discipline

- Judge Scott F. Sulley, a justice of the peace, was removed from office by the Arizona Supreme Court for numerous rule violations associated with his failure to effectively oversee the proper operation of his court, imposing improper restrictions on his staff and failing to ensure they were properly trained, maintaining a hostile work environment, making discriminatory comments, and lack of proper demeanor in court proceedings (Case No. 2014-114).
- Judge Anne Fisher Segal, a justice of the peace, was censured for various rule violations in connection with her bid to be reelected (Case No. 2014-219).
- Judge Anne Fisher Segal, a justice of the peace, was reprimanded for various rule violations in connection with her bid to be reelected (Case No. 2014-206).
- Judge Maria Lorona, a justice of the peace, was reprimanded for failing to resign from a leadership role in a nonprofit organization that provided services to the court in which she served (Case No. 2014-096).

ii. Advisory and Warning Letters

The commission may determine that a judge has not engaged in judicial misconduct, but should be encouraged to avoid similar complaints in the future in an advisory or warning letter. Advisory and warning letters are used to bring issues and rules to the attention of judges. Hopefully, the judge in question will take the advice or warning and make appropriate corrections on a going forward basis. Repeating conduct for which a judge previously received one or more advisory or warning letters could lead to a public reprimand or the filing of formal charges. The commission expects judges to self-correct problematic conduct.

The commission issued five advisory letters and five warnings in 2014. Advisory letters are issued when a judge's conduct does not technically violate the rules, but the commission believes the judge would benefit from advice in a particular area. A warning letter advises the judge of an evaluated concern that, absent correction on a going forward basis, could lead to judicial discipline.

2014 Advisory Letters

- A justice of the peace was advised that any time the judge proposed to amend an order due to a prior oversight or otherwise, the judge should provide the parties with notice and an opportunity to be heard (Case No. 2014-084).
- A pro tem superior court judge was advised to be aware of adverse appearances if the judge is simultaneously serving as a judge and also representing litigants in the same court in which the judge serves (Case No. 2014-088).

- A justice of the peace was advised that the judge should not automatically recuse from a case because someone has filed a complaint about the judge's handling of the case with the commission. The judge was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations When Complaints Are Filed Against Judges) (Case No. 2014-122).
- A municipal court magistrate was urged to carefully review the requirements of Rules 1.2, 2.2, and 2.6, including the duty to be impartial and appear to be impartial and the right of all parties to be heard. The judge was also advised to review the hearsay exceptions in the Rules of Evidence (Case No. 2014-234).
- A justice of the peace was advised that the judge should not automatically recuse from a case because someone has filed a complaint about the judge's handling of the case with the commission. The judge was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations When Complaints Are Filed Against Judges) (Case No. 2014-279).

2014 Warnings

- A justice of the peace was warned about the impropriety of discussing a case with defense counsel outside the presence of the plaintiff and then taking action on that discussion (Case No. 2014-030).
- A justice of the peace was warned about failing to live up to a commitment the judge made to the commission and about encouraging contact with the judge via the judge's website that could lead to solicitations for legal advice and improper ex parte communications (Case No. 2014-055).
- A superior court judge was warned against the use of humor that detracts from the decorum of court proceedings and can lead to the perception of impropriety, if not also a violation of Rule 2.8 (Case No. 2014-214).
- A justice of the peace was warned concerning the use of an improper photo of the judge on the bench in election campaign material (Case No. 2014-282).
- A superior court judge was advised to read Formal Advisory Ethics Opinion 06-02 (Prompt Disposition of Judicial Matters) and warned to implement appropriate procedures to prevent unreasonable delay in rulings in the future (Case No. 2014-290).

iii. Dismissals

Most complaints are dismissed as the facts do not support the allegations or the alleged misconduct does not constitute unethical conduct. For example, many complaints allege the judge was biased in favor of a litigant and prejudiced against the adverse party. The evidence supporting the claims of bias is one or more

unfavorable rulings. Unfavorable rulings do not constitute, in and of themselves, evidence of unethical bias or prejudice. A party dissatisfied with a judge's ruling must appeal to bring alleged legal error to the appropriate appellate court for possible reversal of the adverse ruling. Complaints based on alleged legal errors are routinely dismissed. The commission does not have jurisdiction to review the legal sufficiency of judicial rulings.

The disposition of all complaints filed with the commission since 2006 are posted to the commission's website (www.azcourts.gov/azcjc). The names of the complainants and the judges (and other identifying information) is redacted from dismissed complaints. The names of the complainants and judges are disclosed if the commission has issued a public reprimand or if the Arizona Supreme Court has issued a ruling in a judicial discipline case.

b. Rule Revisions

The commission submitted two rule change petitions to the Arizona Supreme Court in November 2013. One set of rule changes can be characterized as technical in nature. These proposed changes clarify ambiguities and modernize the commission's rules. The second set of rule changes proposed the reestablishment of the private admonition as the first level of judicial discipline. Currently, the first level of discipline is a public reprimand. The commission was of the view that a public reprimand was too harsh a sanction for minor violations. Of course, if a judge received a private admonition for a minor violation and then violated the same rule again, applying the concept of progressive discipline would likely lead to a more serious, public, sanction for the second such violation.

By order dated September 3, 2014, the Supreme Court approved the proposed technical changes to the commission's rules, to be effective January 1, 2015. The Supreme Court separately denied the petition to reestablish the private admonition as the first level of judicial discipline. A public reprimand remains the first level of discipline in Arizona though it should be noted that not every violation of the Code of Judicial Conduct will result in the imposition of discipline. As the Scope Section of the Code states, "It is not intended, however, that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the rules and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others."

c. Outreach

Members of the commission and staff take part in education programs to inform judges and court staff about its procedures and practices and to educate them about the Arizona Code of Judicial Conduct and the Arizona Code of Conduct for

Judicial Employees. A sampling of the programs commission members and staff participated in during 2014 include:

- Limited Jurisdiction New Judges Orientation
- Arizona Court Administrators Conference
- General Jurisdiction New Judges Orientation
- Justice Court Hearing Officer Training
- Administrative Office of the Courts (AOC) Judicial Staff Training
- Supreme Court and Court of Appeals Law Clerk Training
- Ethics Presentations at the 2014 Arizona Judicial Conference
- 2014 Arizona Justice of the Peace Association Conference
- Pima County Consolidated Justice Court Pro Tem Judge Training

Commission Membership

The members of the commission in 2014 were as follows:

Arizona Court of Appeals, Division One.

Lawrence F. Winthrop (Commission Vice Chair) is a judge serving on Division One of the Arizona Court of Appeals. He was appointed to the court by Governor Hull in 2002.

Judge Winthrop is a graduate *cum laude* of Whittier College (1974) and *magna cum laude* of California Western School of Law (1977), and is admitted to practice in both Arizona and California.

Judge Winthrop was Chief Judge of Division One from 2011-13, and served as a member of the Arizona Judicial Council and the Commission on Technology. He also serves as chair of the Supreme Court's Attorney Discipline Probable Cause Committee, chair of the Attorney Regulation Advisory Committee, and chair of the Arizona Commission on Access to Justice.

In June of 2012, the Arizona Supreme Court recognized Judge Winthrop as its Judge of the Year for his work in civic education and promoting state-wide access to justice.

Arizona Court of Appeals, Division Two.

Peter J. Eckerstrom is Chief Judge of Division Two of the Arizona Court of Appeals. He was appointed to the court by Governor Napolitano in 2003.

Judge Eckerstrom earned his bachelor's degree from Yale University and a law degree from Stanford University.

Prior to his appointment to the court, his practice focused on criminal defense with an emphasis on capital trial and capital appellate litigation. In that capacity, he served on the Ninth Circuit's Federal Habeas Corpus Oversight Committee.

As a judge of the Arizona Court of Appeals, he serves on the Arizona Supreme Court Commission on Judicial Conduct and has served on the Arizona Supreme Court Commissions on Judicial Performance Review and Court Technology. He is the current Chief Judge of the southern division of the Arizona Court of Appeals. He has acted as an adjunct professor at the University of Arizona, James E. Rogers College of Law, teaching trial practice and, more recently, a seminar on Capital Punishment.

Judge Eckerstrom is a resident of Tucson, Arizona. He is married to Ann-Eve Pedersen, a public education advocate, and they have a fourteen-year-old son, Lars. Judge Eckerstrom is an enthusiastic owner of a fantasy baseball team and an avid college basketball fan.

Arizona Superior Court, Maricopa County.

George H. Foster, Jr. is a Judge of the Maricopa County Superior Court. He is a graduate of Boston College Law School in Newton, Massachusetts. He completed his undergraduate work at The City University of New York where he graduated *magna cum laude*. He was a law clerk to the Hon. David S. Nelson of the Federal District Court in Boston, Massachusetts. He was admitted to the State Bar of Arizona in 1983.

Judge Foster practiced with the law firm O'Connor, Cavanagh, Anderson, Westover Killingsworth & Beshears from 1983 to 1990. While there his practice began in commercial real-estate transactions and finance. It thereafter progressed into banking, bankruptcy, securities, land use and zoning law. In 1990 he joined the firm of Allen, Kimerer & LaVelle and continued in the commercial practice where he also became involved in civil rights litigation, securities litigation and general commercial litigation. In 1993 he joined the firm of Wilenchik & Bartness and became managing attorney from 1996 through 1999.

Judge Foster began his judicial career in 1999 as a Commissioner in the Juvenile Division of the Maricopa County Superior Court. He was appointed to the Maricopa County Superior Court as a trial judge by Governor Janet Napolitano on June 30, 2003. Judge Foster has served in each division, Family, Civil, Juvenile and Criminal. He currently serves in Family Court.

Judge Foster has served as an adjunct professor at The Sandra Day O'Connor College of Law at Arizona State University where he taught a course in Advanced Real Estate Transactions. He has served as President of the Thurgood Marshall Inn of Court, as a member of the State Bar Civil Practice and Procedures Committee and

Rules of Professional Conduct Committee, and as chairman of the Maricopa County Superior Court Family Court Division Rules Committee. He has also served as a member of the Arizona Supreme Court's Committee on Superior Courts and has served as a pro tem judge on the Arizona Court of Appeals. In January 2011 he was appointed by the Arizona Supreme Court to the Commission on Judicial Conduct. In June 2014 he was appointed to the Commission on Judicial Performance Review.

Arizona Superior Court, Pima County.

Gus Aragon is a native of Tucson, Arizona. He completed his undergraduate and law school studies at the University of Arizona. While at U of A as an undergraduate, he participated on the men's gymnastics team, serving one year as team captain. Licensed to practice law in 1977, he practiced in the areas of administrative, criminal, and civil law for a total of twenty-eight and a half years, including both government service and private practice before being appointed to the Pima County Superior Court in May 2006. He has served assignments on the criminal, juvenile and civil bench, where he is currently assigned. Judge Aragon also enjoys being on the Volunteer Lawyers Advisory Board of Southern Arizona Legal Aid, the Pima County Bar Association Writ Editorial Board, and the Morris K. Udall Inn of Court Executive Board, as well as the Arizona Commission on Judicial Conduct. He previously served on the Arizona Supreme Court Committee on Character and Fitness. He enjoys exercise and spending time with family.

Surprise City Court.

Louis Frank Dominguez (Commission Chair) is the Presiding Judge for the Surprise City Court. He served as a judge for the Phoenix Municipal Court from October 1994 until March 2013. Judge Dominguez was appointed as the Surprise City Court Presiding Judge in March 2013.

Judge Dominguez received his B.A. in Psychology at Arizona State University and graduated from the A.S.U. College of Law.

Judge Dominguez is a Past Board Chair of Valley Leadership. He is also a member of the Arizona Minority Judges Caucus, Los Abogados and the Arizona Supreme Court Judicial Conference Planning Committee. His volunteer efforts focus on working with youth in the community and leadership development. In April 1998, Judge Dominguez received a "Distinguished Leadership Award" from the National Association of Community Leadership. In June 2003 Judge Dominguez was presented with a "Distinguished Service Award" from the Arizona Supreme Court.

Judge Dominguez is chair of the Arizona Commission on Judicial Conduct. He is a current member of the Arizona Supreme Court Work Group on the Code of Judicial Conduct. He also served as a member of the Arizona Task Force on the Code of Judicial Conduct in 2008 and 2009.

Judge Dominguez has served as faculty for the Arizona Supreme Court, the State Bar of Arizona, and other organizations on various law-related topics. Judge Dominguez has also served as Chair of the Arizona Supreme Court Limited Jurisdiction New Judge Orientation Program. In May 2010, the Arizona Supreme Court presented Judge Dominguez with a 2009 Trainer Excellence Award. This award was in recognition of his contributions to the goal of excellence in judicial education and his commitment to serving the Arizona judiciary as faculty.

Justice of the Peace.

Anna Mary Glaab has been the Justice of the Peace in Bagdad-Yarnell Justice Court since 1992.

Judge Glaab presides in both the Bagdad and Yarnell courts in southwestern Yavapai County and is actively involved in judicial education and the Arizona Justice of the Peace Association. She is a third-generation Arizona native and was raised on her family's cattle ranch in central Arizona. The Arizona Supreme Court recognized Judge Glaab as the 2014 Judge of the Year for her outstanding and long-term service to her community and the Arizona court system.

Lawyer Members.

Art Hinshaw is a Clinical Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University. His research and teaching interests lie in the field of alternative dispute resolution (ADR), primarily mediation and negotiation. His research bridges ADR theory and practice, and his teaching responsibilities include the Lodestar Mediation Clinic and Negotiation among other ADR courses.

Professor Hinshaw is active in the ADR community having served on several academic and professional committees at the state and national levels. Currently, he serves as a member of the American Bar Association's Standing Committee on Mediator Ethical Guidance. Additionally, he is a Senior Fellow at the Center for the Study of Dispute Resolution at the University of Missouri School of Law and is a contributor to *Indisputably, the ADR Prof Blog*.

Professor Hinshaw graduated from Washington University in St. Louis with an A.B. in History (1988) and he received both his J.D. and LL.M. from the University of Missouri (1993 and 2000). He joined the College of Law faculty after teaching at the University of Missouri School of Law and at the Washington University School of Law in St. Louis. Before his academic career, he practiced law in Kansas City, Missouri.

J. Tyrrell (Ty) Taber is a trial lawyer licensed to practice law in Arizona and California. Ty has represented plaintiffs and defendants, both sides of the courtroom, since 1977. He is a certified specialist in Injury & Wrongful Death litigation. Ty has served on the Board of Directors for the Arizona Association of Defense Counsel and the Arizona Association for Justice. He has also served the state as a volunteer for the Town of Paradise Valley Magistrate Court, the Arizona Court Reporter Board, and the Arizona Commission on Judicial Conduct.

Public Members.

Roger Barton is a Principal in Badger Roofing, a Prescott area owned and operated licensed residential and commercial roofing contractor business serving Central and Northern Arizona. Roger is a native of Arizona with more than thirty years of experience in sales and marketing of a variety of products and services. Throughout his professional life, he has sought opportunities to serve within the communities he has resided in and as a result, has volunteered on a number of boards of organizations making a significant difference.

Colleen Concannon (Commission Secretary) is the Chief Executive Officer of an international company based in Tucson, Arizona. She is a native Tucsonan who received her Bachelor's Degree from the University of Arizona, a Master of Public Administration from the University of North Texas, and a Master of Science in Accounting from the University of Houston. She worked in the public sector as Controller for the Park Board of Trustees of the City of Galveston, Texas and returned to Tucson in 1993 to become the Vice President and Chief Information Officer for Thomas-Davis Medical Centers and later the Clinical Administrator for TDMC's Main facility. Ms. Concannon's private sector career has been focused on establishing and building distinctive business enterprises in both Texas and Arizona. She is a dedicated community volunteer and has served as a board member for numerous public and private organizations within the State of Arizona.

David L. Stevens is currently the Chief Information Officer (CIO) for Maricopa County. He has been a presenter at national conferences and has been published in a variety of magazines such as Forbes, Government Technology, and ComputerWorld. He has also served as a board member on various advisory boards. David has received a number of professional awards and recognition for his leadership and innovations concerning business and information technology initiatives. Earlier in his career, David spent five years as the Chief Information Officer (CIO) for the Maricopa County Superior Court where he worked closely with the Administrative Office of the Courts while serving on several statewide committees. During his time as the CIO for the Maricopa County Superior Court, David worked with courts across the nation as a board member of CITOC and member of NACM. Additionally, he collaborated with the National Center for State Courts

(NCSC) and his innovative work for the judiciary was recognized by NACo, NACM, NCSC, and CIO Magazine.

Commission Budget and Finances

The commission is funded as a part of the legislature's general fund appropriation to the Arizona Judicial Branch. For the fiscal year ending on June 30, 2015, the commission's budget totals \$522,300 to cover all operations and activities. Employee compensation and benefits and facilities rent make up over ninety percent of the commission's expenditures.

Commission Staff

The commission's full-time staff consists of an executive director, disciplinary counsel, commission specialist, and administrative assistant. A part-time temporary employee supports the commission's database program and related activities.

George Riemer has been the commission's executive director since July 2011. He is an active member of the State Bar of Arizona and has been a licensed attorney since 1975. Mr. Riemer also serves as the Staff Director for the Arizona Supreme Court Judicial Ethics Advisory Committee and as an attorney member of the Arizona Supreme Court Attorney Regulation Advisory Committee.

April Elliott joined the commission staff in October 2014 as disciplinary counsel, replacing Jennifer Perkins who went into the private practice of law after serving in that position for five years. Ms. Elliott is an active member of the State Bar of Arizona and most recently served as the Public Defender in Pinal County. Her previous experience includes serving as a Pinal County family court commissioner and Pinal County Superior Court Judge.

Administrative support for the commission is provided by Kim Welch, commission specialist, and Camille Keltz, administrative assistant.

Pursuant to Arizona Supreme Court Administrative Order 2014-11, the newly created position of independent bar counsel (IBC) was placed under the supervision and direction of the commission's executive director and is located in the commission's office suite. IBC investigates and resolves through the lawyer discipline process complaints filed against lawyers that for conflict of interest reasons cannot be investigated and resolved through that process by the Office of Chief Bar Counsel of the State Bar of Arizona. IBC also assists the commission in the investigation and resolution of complaints about judges. Administrative support for IBC is provided by commission staff.

Meredith Vivona assumed the position of Independent Bar Counsel in April 2014. Ms. Vivona is an active member of the State Bar of Arizona. Her prior

experience includes the private practice of law with several Phoenix area law firms for over ten years.

Judicial Ethics Advisory Committee

The commission's executive director supports the activities of the Arizona Supreme Court Judicial Ethics Advisory Committee (JEAC). The JEAC has nine members, including seven judges and two lawyers. The committee's charge, as set forth in Arizona Supreme Court Rule 82, is to provide prospective advice to judges and judicial employees in order to avoid violations of the Code of Judicial Conduct and the Code of Conduct for Judicial Employees. The executive director is the initial contact for judicial ethics inquiries. He provides inquirers with his reaction and if requested, the inquiry is submitted to the committee for further consideration. The objective is to assist judges and judicial employees in avoiding ethics violations. A complaint that can be avoided by inquiry to the JEAC is one less complaint that the commission must resolve through its procedures. The JEAC responded to 236 inquiries and issued one formal advisory ethics opinion (on the topic of the use of social media by judges and judicial employees) in 2014.

The commission's website (<http://www.azcourts.gov/azcjc>) includes information about the committee, its jurisdiction, rules, and membership. It also provides electronic access to the formal advisory ethics opinions the JEAC has issued since 1976.

Future Activities

The commission and staff will continue to participate in education programs and other outreach activities to ensure judges and judicial employees are aware of the resources available to them to avoid violations of the ethics rules they must follow and to understand the procedures used to enforce the rules when necessary.

The commission is actively exploring how to facilitate the submission of complaints electronically and working to put key documents into Spanish and provide language assistance to other non-English speaking complainants.

The commission is also working on improving its database of complaint information to ensure it meets its needs in tracking the disposition of complaints and generating reports that assist the commission in its various roles. Commission staff is also working to convert commission paper files to electronic format to streamline storage and retrieval of those records.