



Arizona Commission on Judicial Conduct Annual Report for Calendar Year 2015

February 2016

Introduction

This is the Arizona Commission on Judicial Conduct's Annual Report highlighting its activities during calendar year 2015.

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

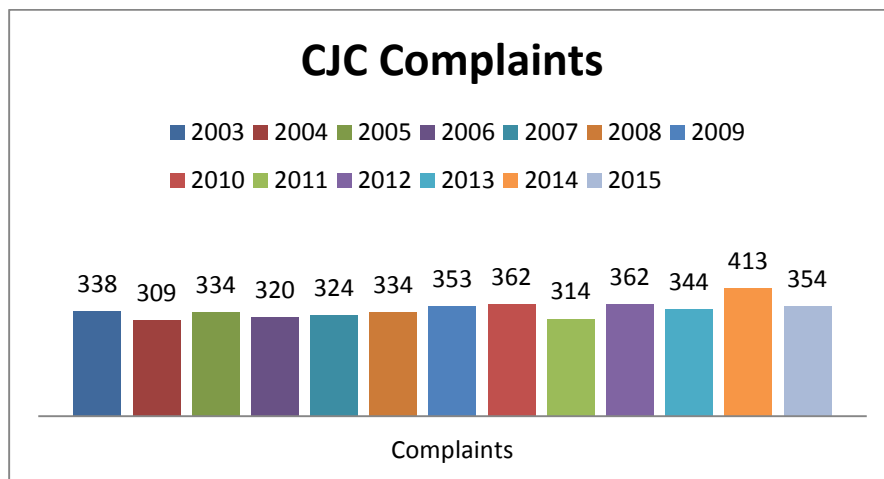
who served on the investigative panel) will file written findings of fact and conclusions of law and a recommendation with the Arizona Supreme Court as to whether the formal charges should be dismissed or a sanction imposed for a violation of one or more of the judicial conduct rules judges must comply 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 2015 Activities

The principal mission of the commission is to fairly and efficiently review, investigate, and resolve complaints about the conduct of judges. The commission docketed 354 complaints in 2015, a decrease of 59 complaints from 2014. As of January 1, 2016, the commission had resolved most of those complaints. The balance remain under review. The following chart shows the trend of complaints about Arizona judges since 2003:



The following data summarizes the disposition of the complaints resolved in 2015.

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.

Twelve judges were publicly disciplined in 2015 (Seven 2014 cases were closed in 2015, but are reported on the commission’s website as 2014 cases). The details of each case can be found at the following locations on the Internet:

<http://www.azcourts.gov/azcjc/Public-Decisions/2014>

<http://www.azcourts.gov/azcjc/Public-Decisions/2015>

2015 Public Discipline

2015 Suspensions (1)

- Flagstaff Justice of the Peace Howard Grodman was suspended from serving as a judge without pay for ninety days by the Arizona Supreme Court in Case No. 2014-216. Judge Grodman was found to have engaged in judicial misconduct during his primary election campaign in 2014. Judge Grodman’s misconduct included improperly using his court-provided email account; improperly using robed photographs as part of his political campaign; improperly campaigning during court hours; improperly campaigning during official court events; improperly posting campaign signs at a United States Post Office in violation of federal law; using “crude, offensive and disparaging language directed at his campaign opponent”; improperly endeavoring to obtain campaign endorsements; improperly retaliating against his campaign opponent; and failing to be candid and honest with the commission.

2015 Censures (1)

- Superior/Kearny Justice of the Peace Larry A. Bravo was censured by the Arizona Supreme Court in Case No. 14-373. Judge Bravo was found to have violated a number of provisions of the Code of Judicial Conduct in connection

with his participation in court proceedings involving a person with whom he had an undisclosed financial relationship.

2015 Public Reprimands (10)

- Pima County Pro Tem Justice of the Peace Adam W. Watters was publicly reprimanded in Case No. 14-165. The commission found that then Pro Tem Judge Watters appeared in a photograph on his law firm's website in a judicial robe and advertised himself on the website as an active part-time pro tem judge in the Arizona court system. These instances were an abuse of the prestige of the judicial office to advance his own personal and/or economic interests in violation of Rule 1.3.
- Eloy Municipal Court Magistrate Clifford G. Wilson was publicly reprimanded in Case No. 14-331. The commission found that Magistrate Wilson violated Rules 1.2 and 2.11(A) by failing to disqualify from hearing a criminal damage trial when he was the agent of the property management company that managed the property claimed to have been damaged. Notwithstanding his knowledge of the situation, Magistrate Wilson nevertheless ordered the defendant to pay \$120 in restitution to the property management company.
- Page Justice of the Peace Donald G. Roberts was publicly reprimanded in Case No. 14-394. The commission found that Judge Roberts violated Rules 1.2 and 2.8(B) by making unwelcomed verbal comments to two detention officers and having unwelcomed physical contact with one of those detention officers. The commission indicated that allegations of a similar nature in the future may lead to formal disciplinary proceedings.
- Aqua Fria Justice of the Peace Joe "Pep" Guzman was publicly reprimanded in Case No. 14-398. The commission found that Judge Guzman had delayed three rulings past 60 days notwithstanding his periodic certification that he had no pending or undetermined cause for more than 60 days. One ruling was unreasonably delayed for over three months. The commission found the foregoing conduct violated Rule 1.1, which requires a judge to comply with the law, including the Code; Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary; and Rule 2.5 which requires a judge to perform his judicial and administrative duties competently, diligently, and promptly.
- Cochise County Superior Court Judge Charles A. Irwin was publicly reprimanded in Case No. 14-400. The commission found that Judge Irwin's ex parte communications with the Attorney General's Office and the insertion of himself into the appellate process of a criminal case violated Rules 1.2, 1.3, 2.2, and 2.9 of the Code of Judicial Conduct.

- Maricopa County Superior Court Judge Jeanne M. Garcia was publicly reprimanded in Case No. 2015-062. The commission found that Judge Garcia had engaged in improper ex parte communication with a Department of Child Safety case worker in a family law case in violation of Rule 2.9(A) and had also engaged in an improper independent investigation in the case in violation of Rule 2.9(C).
- North Valley Justice of the Peace Gerald A. Williams was publicly reprimanded in Case No. 2015-085. The commission found that Judge Williams engaged in improper demeanor during a judgment debtor's examination in violation of Rule 2.8(B). The judge was advised he should be fully aware, having been publicly reprimanded for similar misconduct in 2006, that any future complaint of a similar nature may lead to the filing of formal charges against him and the imposition of more serious discipline, including censure, suspension, or removal.
- Maricopa County Pro Tem Justice of the Peace David H. Fletcher was publicly reprimanded in Case No. 2015-125. The commission found that Judge Fletcher's tone during an eviction proceeding was not "patient, dignified, and courteous" in violation of Rule 2.8(B). It also found that the judge failed to afford either party a fair opportunity to be heard in violation of Rule 2.6(A), and demonstrated a lack of knowledge of the law by simultaneously entering a judgment for the defendant, but dismissing the case without prejudice, in violation of Rules 1.1 and 2.2.
- West McDowell Justice of the Peace Rachel Torres Carrillo was publicly reprimanded in Case No. 15-189. The commission found that Judge Carrillo had violated a number of provisions of the Code of Judicial Conduct in the conduct of a landlord/tenant eviction proceeding. She entered a judgment for rent when the tenant never received a notice of past due rent and the issue of past due rent was never addressed at the hearing. She failed to afford the tenant the right to present her defenses to the material and irreparable breach allegations and summarily found the tenant guilty of unlawful detainer based on unsworn avowals.
- Maricopa County Superior Court Commissioner Julie P. Newell was publicly reprimanded in Case No. 2015-192. The commission found that Commissioner Newell had violated Rule 2.8(B) of the Code of Judicial Conduct by not being patient, dignified, and courteous with an attorney and others in a proceeding pending before her. While Commissioner Newell had previously been publicly reprimanded for similar misconduct in 2013, the commission determined that this matter should be resolved by the issuance of another public reprimand rather than the institution of formal proceedings in light of the fact that the commissioner had resigned from all judicial offices.

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 twenty-four (24) advisory letters and eleven (11) warnings in 2015. This was a significant increase in both types of cautions from 2014 when the commission issued five (5) advisories and five (5) warnings. 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.

2015 Warnings (11)

- A justice of the peace was urged to familiarize himself with the appropriate legal standards utilized in protective order proceedings, particularly the definition of harassment in A.R.S. §12-1809, so that he applied the correct standard in the future (Case No. 2014-399).
- A justice of the peace was urged to turn off or mute his cell phone during future court proceedings. The commission indicated that all cell phones should be turned off or muted during court proceedings to maintain proper decorum (Case No. 2015-044).
- A superior court judge was urged to familiarize himself with the specific time lines for ruling required by Rule 32.6(c), Arizona Rules of Criminal Procedure, and to remain proactive and diligent in managing his calendar. In addition, the judge was reminded that the mere filing of a judicial conduct complaint was not grounds for disqualification and was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations when Complaints are Filed Against Judges) (Case No. 2015-063).
- A justice of the peace distributed a proposed court policy to contract vendors and others that was interpreted by some recipients as a veiled threat that they would lose their contracts if they exercised their free speech and political process rights to disagree with the proposed policy. The commission suggested that the better practice would have been to only distribute the proposed policy to other judges in the court. Broader circulation of a proposed policy could occur

if a majority of the judges in the consolidated court approved it for external comment or as official court policy (Case No. 2015-070).

- A Part B judge (Retired Judge Available for Assignment) was warned that it was inconsistent with Rule 1.3 of the Code of Judicial Conduct (A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge) to use a photograph depicting him in a judicial robe in an advertisement for his mediation services. Considering all the facts and circumstances of the case, the commission determined that the violation did not warrant formal discipline (Case No. 2015-073).
- A justice of the peace was reminded that he needed to ensure that his former law firm's website did not give the appearance or leave the impression that he still practiced law with the firm, including, but not limited to, eliminating any reference to the judge as a member of the firm and removing his name from the firm name (Case No. 2015-118).
- A pro tem justice of the peace was warned that the use of her Administrative Office of the Courts (AOC) e-mail account to send political campaign messages was inconsistent with Rules 3.1(E) and 4.1(A)(8) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure her compliance with the rules in the future (Case No. 2015-144).
- A municipal court magistrate was warned that the use of his government e-mail account to send political campaign messages was inconsistent with Rule 3.1(E) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure his compliance with the rules in the future (Case No. 2015-145).
- A justice of the peace was warned that the use of his Administrative Office of the Courts (AOC) e-mail account to send political campaign messages was inconsistent with Rules 3.1(E) and 4.1(A)(8) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure his compliance with the rules in the future (Case No. 2015-147).
- A superior court judge was urged to continue to improve his calendaring system to avoid any delayed rulings in the future and also urged to familiarize himself with the notice requirements under the Arizona Rules for Family Law Procedure as well as the service requirements that are triggered when one

party seeks to hold another party in contempt of court for failing to comply with prior court orders (Case No. 2015-182).

- A superior court commissioner was reminded of his obligations under Rules 1.1 and 2.2 of the Code of Judicial Conduct to comply with, uphold, and apply the law and urged him to become fully familiar with the requirements of Arizona's Address Confidentiality Program (Case No. 15-214).

2015 Advisory Letters (24)

A number of advisories dealt with more than one judicial ethics issue.

Nine advisories requested, in part, that the judge endeavor to familiarize him or herself with or to follow the law. For example, in Case No. 15-099 a superior court judge received a private advisory letter concerning the judge's decision to seal pleadings without making the findings required by a local court rule. The judge was encouraged to become familiar with the requirements of the rule and specified balancing test before sealing or redacting court files or records.

Seven advisories urged, in part, that the judge address issues concerning delay in ruling. For example, in Case No. 15-024 a superior court judge received a private advisory letter urging the judge to be ever vigilant in seeking to avoid delayed rulings.

Three advisories addressed, in part, issues concerning the judge's demeanor or decorum in his or her courtroom.

Two advisories, in part, reminded the judge not to conduct an independent investigation of the facts of a case.

Five other advisories dealt with single issues, including the proper use of judicial titles and robes in election campaigns, reminding a judge not to discuss pending court cases in a public venue, ensuring the right of parties to be heard, promoting public confidence in the independence, integrity, and impartiality of the judiciary, and avoiding the abuse of the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Two advisories suggested best practices to the judge in a particular area.

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 and/or prejudice 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 supported amendments of Supreme Court Rules 46(c) and (d) proposed by the Arizona Supreme Court Attorney Regulation Advisory Committee (Rules Petition R-15-0041). The proposed amendments seek to clarify the jurisdiction of the State Bar of Arizona and the Commission on Judicial Conduct over lawyers seeking to become judges, lawyers who are judges, and lawyers following their removal, resignation or retirement as judges. The rules petition is pending at this time and be found on the Internet at <http://www.azcourts.gov/Rules-Forum/aft/558>.

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 2015 include:

- Limited Jurisdiction New Judges Orientation
- General Jurisdiction New Judges Orientation
- Maricopa County Justice of the Peace Training
- Maricopa County Justice Court Small Claims and Traffic 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 Annual Arizona Judicial Conference
- Arizona Justice of the Peace Association Conference
- Governor's Office of Highway Safety DUI Traffic Conference

Four members of the commission, its executive director, and the chair of the 2015 Arizona Supreme Court Judicial Ethics Advisory Committee, attended the 24th National College on Judicial Conduct and Ethics, sponsored by the National Center for State Courts, in Chicago, Illinois in late October 2015 to ensure currency in judicial ethics committee and commission activities nationally.

Commission Membership

The commission is comprised of eleven members (six judges, two attorneys, and three public members):

Arizona Court of Appeals, Division One.

Margaret H. Downie was appointed to the Arizona Court of Appeals in 2008. Previously, Judge Downie spent 11 years on the Maricopa County Superior Court, where she was Associate Presiding Judge and Civil Presiding Judge. Judge Downie graduated with a B.A. degree in Radio, TV, and Film from the University of Arkansas at Little Rock. She received her J.D. from Georgetown University in Washington, D.C. in 1984. After law school graduation, Judge Downie worked in the civil litigation department of Jennings, Strouss & Salmon in Phoenix. Thereafter, she spent almost ten years in the discipline department of the State Bar of Arizona, ultimately serving as Chief Bar Counsel. Before being appointed a judge of the superior court in 1999, Judge Downie served as a court commissioner.

Arizona Court of Appeals, Division Two.

Peter J. Eckerstrom (Commission Vice-Chair) 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 the Criminal Department.

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 Arizona Commission on Judicial Conduct. He previously served on the Arizona Supreme Court Committee on Character and Fitness and the Morris K. Udall Inn of Court Executive Board. 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 is also a member of the Arizona Judicial Council.

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.

Bagdad-Yarnell Justice Court.

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 Information Technology Supervisor of Project Management for the City of Tempe. She is also the CEO of an international gemstone 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 has also 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. Ms. Concannon is a dedicated community volunteer and has served as a board member for numerous public and private organizations within the State of Arizona. She has been a member of the Arizona Commission on Judicial Conduct since January 2010.

Christopher ("Chris") R. Ames has 40 years of software industry experience ranging from programmer to senior executive. He is the President of Paragon Technology, Inc., a company he co-founded in 1983. Early clients included the Apache County Treasurer and Trans World Airlines. In 1992 he entered into a project management contract with ADS Communications, Inc., for the development of its field service product. Over the next 11 years he led the company through several phases of expansion in product offering and corresponding revenue growth. ADS was purchased by EFI (Electronics For Imaging, Inc.) in 2004, and Chris continued his responsibility as Chief Technology Officer for another 2 years. Chris is a patented inventor and holds a BS in Computer Information Systems from Arizona State University's W.P. Carey School of Business. The Ames family has lived in the east valley since 1976. Chris was a member of the Capital and Development Fees subcommittee of the 2009 Town of Gilbert Citizen's Budget Committee and is an original member of Gilbert's Operation Welcome Home Committee.

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, 2016, the commission's budget totals \$505,000 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 is an attorney member of the Arizona Supreme Court Attorney Regulation Advisory Committee.

April Elliott has been the commission's disciplinary counsel since October 2014. 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 in 2015 was provided by Kim Welch, commission specialist, and Camille Keltz, administrative assistant.

Pursuant to Arizona Supreme Court Administrative Order 2014-11, the 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 has served as Independent Bar Counsel since 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 146 inquiries and issued one formal advisory ethics opinion (Judicial Obligation to Perform Same-Sex Marriages) in 2015.

The JEAC adopted an administrative policy in 2015 that calls for the staff director to prepare a summary of the facts and questions presented of contemplated formal advisory ethics opinions. These summaries are to be distributed to all judicial officers with e-mail addresses in the Administrative Office of the Courts (AOC) e-mail system with a request for comments on the proper resolution of the ethics questions presented. The summaries will include a due date for the submission of comments, no earlier than 30 days from the date of the summary. All comments submitted by the due date will be provided to the committee. The committee will thereafter proceed to decide whether to issue a formal advisory ethics opinion or take other appropriate action.

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.

Complaints may now be submitted to commission staff as PDF attachments to e-mail communications and commission staff has also implemented procedures to assist non-English speaking complainants in communicating with them.

Commission staff continue to work on improving the commission's database of complaint information to ensure it meets the commission's needs. Commission staff also continue to convert commission paper records to electronic format to streamline storage and retrieval of those records.