



## **Arizona Commission on Judicial Conduct 2020 Annual Report**

This is the annual report of the Arizona Commission on Judicial Conduct (“Commission”) for calendar year 2020.

### **OVERVIEW OF THE COMMISSION**

Judicial conduct commissions exist in every state and serve a vital role in promoting public confidence in the independence, impartiality, integrity, and competence of the judicial branch of government.

The Arizona Commission on Judicial Conduct was created in 1970, when voters approved Article 6.1 of the Arizona Constitution. Article 6.1 was amended in 1988, establishing the Commission as an independent state agency responsible for investigating complaints against judicial officers serving on the supreme court, court of appeals, superior court, justice courts, and municipal courts.

The Commission does not have jurisdiction over federal judges, tribal judges, or administrative law judges. Judicial officers subject to the Commission’s jurisdiction must comply with the Arizona Code of Judicial Conduct (“Code”) adopted by the Arizona Supreme Court.

### **COMMISSION PROCEDURES**

The Commission’s rules, which are promulgated by the Arizona Supreme Court, prescribe the procedures for investigating and resolving complaints of judicial misconduct. The rules are available on the Commission’s website at [www.azcourts.gov/azcjc](http://www.azcourts.gov/azcjc).

Anyone who believes that a judge has violated the Code may submit a complaint to the Commission. The Commission may also open an investigation on its own initiative. Complaint forms are available on the Commission's website, by mail, and at the Commission's office.

Unless a member is unavailable due to a conflict of interest or other commitment, all eleven Commission members review every docketed complaint. If the Commission members conclude there is not clear and convincing evidence of a Code violation, the complaint is dismissed, and the complainant and judge(s) named in the complaint are notified in writing of that decision.

*Example:* A defendant in an injunction against harassment proceeding alleges that a justice of the peace was rude and condescending. Commission staff obtains the audio/video recording of the proceeding and prepares a written report that all Commission members review, along with the written complaint. The recording establishes that the justice of the peace was not rude, did not raise her voice, and gave both sides an opportunity to be heard. The Commission concludes the complaint has not been substantiated and votes to dismiss it.

If a complaint identifies issues that warrant further investigation, Commission staff will obtain relevant additional information, which may include a response from the judge, court records, recordings and transcripts, and witness interviews. The Commission's staff attorneys then prepare a report for members of the Commission. After reviewing the report, along with the complaint, any response received from the judge, available recordings, court documents and other relevant information, the Commission members determine the appropriate disposition. The Commission may dismiss a complaint, issue a public reprimand, impose terms such as counseling or educational programming, or direct that disciplinary counsel file formal charges.

*Example:* A litigant alleges that a superior court judge yelled during a hearing, was extremely impatient, and gave her a disproportionately short period of time to present her case in comparison to the time allotted the adverse party. Commission staff obtains the recording of the proceeding, requests a response from the judge, and prepares a written report. After reviewing the report, the complaint, the judge's response, and the recording, the Commission members conclude that the judge did not comply with Arizona Code of Judicial Conduct Rule 2.6 (ensuring the right to be heard) and Rule 2.8(B) (requiring judges to be patient, dignified, and courteous). After considering relevant aggravating and mitigating circumstances, the Commission members vote to publicly reprimand the judge. The reprimand is posted to the Commission's website, where the record in that matter is available for public review.

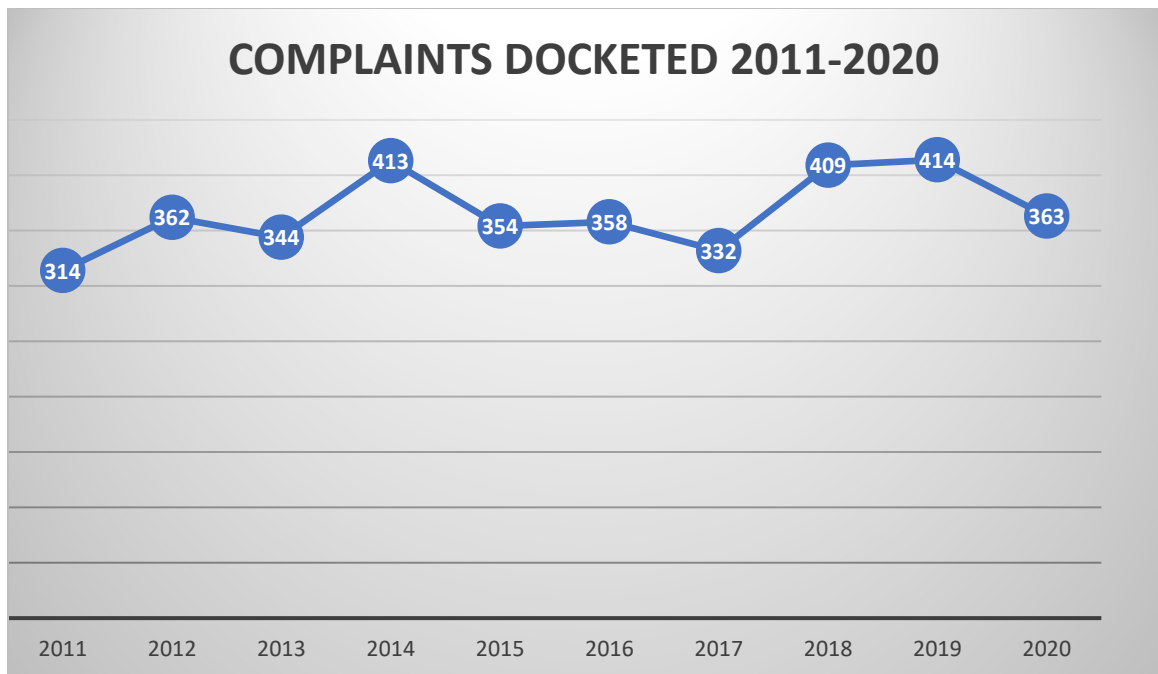
If the investigation of a complaint suggests that a judge's conduct warrants a sanction greater than a public reprimand - i.e., censure, suspension, or removal -- the Commission's chairperson may appoint an investigative panel comprised of three Commission members (one judge, one lawyer, and one public member) to determine whether reasonable cause exists to believe the judge has engaged in misconduct. If the investigative panel makes such a finding, disciplinary counsel files formal charges against the judge, and the matter proceeds to an evidentiary hearing. Based on the record developed in the formal proceeding, the hearing panel -- comprised of Commission members who did not serve on the investigative panel -- issues written findings of fact, conclusions of law, and a recommendation regarding the appropriate disposition. The final decision in a formal proceeding rests with the Arizona Supreme Court.

Complainants are not parties to Commission proceedings. Although complainants may be asked to provide information during investigations or to testify at formal hearings, the only parties to the proceedings are the judge and the Commission. The judge may be represented by counsel at his or her own expense. The judge and the Commission may conduct discovery and subpoena witnesses to testify at hearings.

## FILING TRENDS

In 2020, the Commission docketed 363 new complaints – a roughly 12% decrease over the prior year. The decrease in new complaint filings is likely attributable – at least in part – to the COVID-19 pandemic, which greatly affected the types and number of hearings conducted in Arizona’s state courts during 2020. Despite the pandemic, the Commission’s operations continued without interruption, although the physical office was closed to the public for several weeks.

The following chart depicts new complaint filings over a ten-year period:



As of March 1, 2021, the Commission had resolved the majority of the complaints filed in 2020, with the remainder pending investigation and review.

## 2020 DISPOSITIONS

The following are brief summaries of the complaints that resulted in a public reprimand or a dismissal with a warning or advisory comment during calendar year 2020. The public record regarding reprimand cases is available on the Commission's website - [www.azcourts.gov/azcjc](http://www.azcourts.gov/azcjc). More limited information is also available on the website regarding dismissed complaints. See Commission Rule 9.

Unless otherwise specified, all rule references in the summaries are to the Arizona Code of Judicial Conduct:

### Reprimands (11)

**Justice of the Peace Bruce Staggs** received a combined reprimand in case numbers 18-077 and 18-143. The Commission concluded that Judge Staggs violated Rule 1.2 (a judge shall "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety"), Rule 2.8(B) ("a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity"), Rule 2.9(C) ("[e]xcept as otherwise provided by law, a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed"), Rule 2.10(A) ("a judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing"), and Rule 4.1(A)(8) ("a judge or judicial candidate shall not use court staff, facilities, or other court resources in a campaign for judicial office").

**Pro Tem Superior Court Judge Laura Gillis** was reprimanded in case number 18-328 for violating Rule 1.1 ("a judge shall comply with the law . . .") based on misdemeanor criminal charges filed against her that were resolved through her participation in a diversion program.

**Pro Tem Superior Court Judge Don Stevens** was reprimanded in case number 19-239 for improper *ex parte* communications and for independently investigating factual matters, in violation of Rules 2.9 and 1.2.

**Justice of the Peace Lyle Riggs** was reprimanded in case number 19-310 for holding a civil traffic litigant in contempt of court, directing the litigant's arrest, and imposing a 30-day jail sentence (later vacated), without notice, an opportunity to be heard, or appointment of counsel. The Commission also concluded Judge Riggs failed to

remain patient and courteous when dealing with the litigant and found violations of Rules 1.2, 1.3, 2.2, 2.3(A), 2.6(A), and 2.8(B).

**Justice of the Peace Marsha Gregory** was reprimanded in case number 19-323 for violating Rule 1.2 (“a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety”) and Rule 2.11 (disqualification and disclosure of potential conflicts of interest).

**Superior Court Judge Bradley Astrowsky** received a combined reprimand in case numbers 19-362 and 19-363 based on his failure to timely rule in a family law matter, despite knowing that the matter remained undecided for more than 60 days, and for submitting inaccurate salary certifications. The Commission found violations of Rules 1.1, 1.2, and 2.5(A), as well as of Article 2, Section 11 of the Arizona Constitution, Article 6, Section 21 of the Arizona Constitution, and Rule 91(c) of the Arizona Rules of the Supreme Court.

**Pro Tem Justice of the Peace Concepcion Bracamonte** was reprimanded in case number 19-388 for failing to recuse from a matter where she had a conflict of interest. The Commission found violations of Rules 1.2, 1.3, 2.2, 2.6(A), and 2.11(A).

**Superior Court Judge Stephen Hopkins** was reprimanded for several demeanor-related issues in case number 20-046. The Commission found violations of Rules 1.2, 2.6(A), and 2.8(B).

**City Magistrate Keith Barth** was reprimanded in case number 20-057 for abusing the prestige of judicial office, in violation of Rule 1.3, in connection with his campaign for Santa Cruz County Sheriff.

**Justice of the Peace Joe “Pep” Guzman** was reprimanded in case number 20-142 based on his failure to timely rule in a protective order proceeding and for submitting inaccurate salary certifications. The Commission found violations of Rules 1.1, 1.2, 2.5(A), Article 2, Section 11 of the Arizona Constitution, and A.R.S. § 11-424.02.

**Pro Tem Municipal Court Judge Michael Pollard** was reprimanded in case number 20-197 for improper comments made to court staff, in violation of the Arizona Supreme Court’s Sexual Harassment Policy and Rules 1.2, 2.3(B), and 2.8(B).

## Warnings and Advisories

When the Commission dismisses a complaint, it may choose to include warning or advisory language. The Commission may include advisory language when a judge has not technically violated the Code but members believe the judge could benefit from advice about a particular Code-based issue. Warnings are generally issued when the Commission believes a judge either came close to violating the Code or when an actual violation has occurred, but the members conclude that mitigating circumstances dictate against the issuance of a public sanction.

The Commission issued 21 warnings and seven advisories in 2020, which are summarized as follows:

### Warnings

- The Commission warned a superior court judge against assuming the role of an advocate for one side in a criminal case and about comments he made that could be perceived as undignified, in violation of Rules 1.2, 2.2, 2.3(A), and 2.8(B).
- A superior court commissioner received a warning letter based on comments he made that could be perceived as biased based on a litigant's ethnicity, in violation of Rules 1.2, 2.2, and 2.3.
- A pro tem superior court judge was warned about the impropriety of *ex parte* communications after he engaged in email correspondence with one attorney in an ongoing matter without ensuring that the other attorney was copied on the correspondence, in violation of Rules 1.2 and 2.9(A).
- The Commission warned a pro tem justice of the peace about questions he asked of a witness that appeared to advocate for one side and about other statements suggesting that the judge was relying on his own personal experience, rather than the evidence produced in court, in violation of Rules 1.2 and 2.2.
- A superior court judge was warned about failing to afford a litigant an opportunity to be heard on a motion before ruling on it, in violation of Rules 2.5(A) and 2.6(A).
- A superior court judge received a warning letter for failing to remain patient with a litigant and for making gratuitous comments about the litigant's medications, in violation of Rules 1.2 and 2.8(B).
- The Commission warned a justice of the peace about statements he made that gave the impression he had independently investigated facts outside the record, in violation of Rules 1.2, 2.2, and 2.9(C).

- A superior court judge was warned about failing to review an order before signing it that included incorrect language impinging on a litigant's liberty interests, in violation of Rules 1.2 and 2.5(A).
- The Commission warned a justice of the peace about treating an attorney differently from a self-represented litigant in a proceeding and telling the litigant she was "wasting the court's time." *See* Rules 1.2, 2.2, and 2.8(B).
- A superior court judge was warned about improper demeanor and the need to recuse from a matter when the judge's impartiality could reasonably be questioned. *See* Rules 2.8(B) and 2.11.
- The Commission warned a justice of the peace about comments reasonably perceived as demeaning and as advocating for one side in a landlord-tenant matter, in violation of Rules 1.2, 2.2, and 2.8(B).
- A pro tem justice of the peace was warned about statements that reasonably could have been interpreted as accusing a litigant of racism, though that was not the judge's intent. *See* Rules 1.2 and 2.3.
- The Commission warned a justice of the peace about his tone of voice and comments to litigants that were reasonably perceived as condescending, in violation of Rule 2.8(B).
- A municipal court judge was warned about permitting a court employee to engage in law enforcement activities, demeanor issues, and inappropriate gender-based comments, in violation of Rules 1.2, 1.2, 2.8(B), and 2.16(B).
- The Commission warned a superior court commissioner about comments suggesting he had prejudged a contested matter and for demeanor toward a litigant. *See* Rules 1.2, 2.2, and 2.8(B).
- A justice of the peace was warned about gratuitous comments made in a civil traffic matter involving a juvenile that compared the need for a parent's participation in that proceeding to the lack of parental involvement in abortion cases. *See* Rules 1.2 and 2.8(B).
- The Commission warned a pro tem superior court judge about an inappropriate comment made in an off-the-record setting and about failing to supervise staff appropriately. *See* Rules 1.2, 2.8(B), and 2.12.
- A superior court judge was warned about failing to disqualify himself based on prior representation of a litigant before him in a different matter, in violation of Rules 1.2 and 2.11(A).

- After a superior court commissioner self-reported a delayed ruling, the Commission issued a warning letter based on Rule 2.5 and A.R.S. § 12-128.01.
- The Commission issued a warning to a superior court judge after concluding that he improperly implied that another judge had endorsed him in his judicial campaign, in violation of Rules 4.1(B) and 4.2(A)(4).
- A superior court judge self-reported a delayed ruling and received a warning letter based on the length of the delay and the inadvertent submission of incorrect salary certifications. *See* Rule 2.5(A), A.R.S. § 12-128.01.

### Advisories

- A superior court judge was reminded of the obligation to be patient, dignified, and courteous. *See* Rule 2.8(B).
- The Commission reminded a superior court commissioner about the requirement under Rule 2.6(A) to ensure that all parties are afforded an opportunity to be heard.
- After a superior court judge reported an inadvertent violation of Rule 3.7(A) regarding fund-raising, the Commission issued an advisory letter reminding her of Code-based restrictions on such activities.
- The Commission sent a superior court judge an advisory letter reminding him to afford all parties an opportunity to be heard, as required by Rule 2.6(A).
- The Commission advised a superior court judge to refrain from conduct or statements that could suggest the judge had prejudged a matter or assumed the role of advocate for one side. *See* Rules 1.2, 2.2.
- A superior court commissioner self-reported a delayed ruling and received an advisory letter about implementing procedures to avoid similar delays in the future and about reviewing Formal Ethics Advisory Opinion 06-02.
- The Commission sent an advisory letter to a justice of the peace about the duty to remain patient, dignified, and courteous. *See* Rule 2.8(B).

### **Public Dismissal Orders**

As the next section of this report explains, most dismissal orders do not make the name of the judge(s) public. On occasion, however, the Commission determines, or the Commission and respondent judge agree, that a dismissal order will be made public. In

2020, one such order was issued based on a stipulation. Specifically, in case number 19-327, Justice of the Peace Steven McMurry (now retired) self-reported that he lost his temper with a litigant. He admitted that his conduct violated Rules 1.2, 2.6(A), and 2.8(B). Based on Judge McMurry's resignation from pro tem service and his agreement to never again seek or accept a position involving service as a judicial officer in Arizona, the Commission determined no further action was necessary and closed its file.

### **Dismissals**

Most docketed complaints are dismissed because the alleged misconduct cannot be substantiated by clear and convincing evidence or because the conduct at issue is not an ethical violation. Many complainants, for example, assert that a judge ruled against them because the judge was biased, inattentive, or incompetent. But absent a pattern of error or intentional disregard of the law, an erroneous legal ruling is not grounds for judicial discipline. Litigants who are aggrieved by legal rulings must instead pursue their appellate remedies.

Under the Commission's rules, after a complaint is dismissed, the names of the complainant and the judge, as well as other identifying information, are redacted from the public record. The redacted complaint and the dispositional order are available for public review and are posted on the Commission's website.

## COMMISSION MEMBERS

The Arizona Constitution dictates the Commission's membership, which consists of eleven individuals serving six-year terms. Six judges 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 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.

Members are not compensated but receive reimbursement for actual expenses incurred in serving on the Commission. The Commission meets periodically throughout the year and is supported by staff located in the State Courts Building in Phoenix.

During 2020, the Commission's members were:

### Arizona Court of Appeals, Division One

**Michael J. Brown** is a judge on the Arizona Court of Appeals. He served as the Chief Judge of Division One from 2015 to 2017, after serving the prior two years as the Vice Chief Judge. He has also served on various committees, including the Arizona Judicial Council, Commission on Technology, Judicial Ethics Working Group, Appellate Case Processing Standards, and Connecting With the Community.

Judge Brown graduated from Brigham Young University in 1989 and received his J.D. from Arizona State University in 1992. After working as a law clerk for the Honorable Thomas C. Kleinschmidt, he worked as an attorney with Brown & Brown Law Offices, P.C. in northeastern Arizona until his judicial appointment in 2006.

### Arizona Court of Appeals, Division Two

**Christopher P. Staring** (Vice Chair) graduated from the University of California at Davis in 1983, with a B.A. He received his law degree from Tulane University Law School in 1986.

Judge Staring practiced from 1986 to 2010 with the law firm of Fennemore Craig, P.C. In 2010, he was appointed to the Pima County Superior Court, where he served in civil, juvenile and probate bench assignments. In 2015, he was appointed to the Arizona Court of Appeals, Division Two.

Judge Staring has served on the Commission since 2019. He served on the Arizona Commission on Judicial Performance Review, 2012-2019. Judge Staring served on the

Arizona Supreme Court Committee on Mental Health and the Justice System, and serves on the Arizona Supreme Court Committee on Juvenile Courts.

### **Arizona Superior Court, Maricopa County**

**Joseph C. Kreamer** is the Maricopa County Associate Presiding Judge and Presiding Juvenile Court Judge. He was appointed to the Bench in June, 2007. He previously had civil, criminal, family, and juvenile court assignments. He was the criminal department's Associate Presiding Judge, the family department's Associate Presiding Judge, and the Presiding Judge for the Northeast Courthouse in Phoenix.

Judge Kreamer grew up in Tucson and attended the University of Arizona for both undergraduate and law school. Prior to joining the Bench, he was a civil trial lawyer at Snell & Wilmer in Phoenix for seven years, then a partner in the firm of Hopkins & Kreamer for ten. His practice concentrated on personal injury and commercial litigation.

Judge Kreamer has been actively involved in numerous boards, committees and task forces, focusing on access to justice issues. He is currently a Board Member and was previously the President of the Board of the Arizona Foundation for Legal Services and Education (the Bar Foundation). He is a member of the Arizona Commission on Access to Justice, chairing the Judicial and Attorney Engagement Workgroup. He is a member of the Judicial Conduct Commission and is the immediate past Chair of the statewide Judicial Ethics Advisory Committee. He is the former co-chair of the statewide General Jurisdiction New Judge Orientation program. He is a member of the City of Avondale's Judicial Selection Advisory Committee, and was formerly a member of the City of Surprise's Judicial Selection Committee. Judge Kreamer also routinely presents to both judicial officers and attorneys on a variety of topics.

### **Arizona Superior Court, Pima County**

**Gustavo Aragón** served as a member of the Commission until his retirement in November of 2020. Judge Aragon graduated from the University of Arizona for both undergraduate and law school. He began his professional career with the United States Treasury as an estate and gift tax attorney. Thereafter, he worked as a prosecutor with the Pima County Attorney's Office. He then joined Kimble, Gothreau and Nelson, defending personal injury claims. He next practiced at Haralson, Miller, Pitt, Feldman & McAnally, representing plaintiffs in personal injury cases, where he remained until his appointment to the Arizona Superior Court in 2006.

### **Surprise City Court**

**Louis Frank Dominguez** (Commission Chair) is the Presiding Judge for the Surprise City Court. He was a judge on the Phoenix Municipal Court from October 1994

until March 2013, when he was appointed as the Surprise City Court Presiding Judge. Judge Dominguez received his B.A. in Psychology at Arizona State University and graduated from the Arizona State University Sandra Day O'Connor College of Law.

Judge Dominguez is a member of the Arizona Judicial Council. He is a member of the Arizona Supreme Court Work Group on the Code of Judicial Conduct and 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, the National College on Judicial Conduct and Ethics, the American Bar Association, the National Judicial College, and other organizations on various law-related topics. He has served as Chair of the Arizona Supreme Court Limited Jurisdiction New Judge Orientation Program. Judge Dominguez is a Co-Chair of the Annual Governor's Office of Highway Safety Judicial Traffic Conference. He is a member of the Arizona Magistrates Association, Arizona Minority Judges Caucus, Los Abogados, and the Arizona Supreme Court Judicial Conference Planning Committee. In June 2003, he was presented with a "Distinguished Service Award" from the Arizona Supreme Court. 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. In September 2020, Judge Dominguez received the State Bar of Arizona Public Lawyers Section Justice Michael D. Ryan Award for Judicial Excellence. This award honors a judicial officer who demonstrates a dedication and commitment to improving the justice system.

Judge Dominguez is a Past Board Chair of Valley Leadership. 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.

### **North Canyon Justice Court**

**Barbara J. Brown** has worked for Mohave County in the North Canyon Justice Court (previously known as the Moccasin Court) and the Colorado City Magistrate Court since January of 1989. She has served as a Court Clerk, Office Supervisor, Special Master, ProTem, and now the elected Justice of the Peace and appointed Magistrate. She has taught various subjects, including judicial demeanor sessions for the Arizona Supreme Court Education Division, served as a Subject Matter Expert for mock hearings, served as a Mentor Judge for New Judge Orientation since 2015, taught at the annual Arizona Traffic conference and the National American Bar Association Traffic Conference on the issue of masking of commercial trucking violations. She was awarded the *2017 Justice of the Peace of the year* award. She now or in the past has served on various committees and boards, including the Constable Ethics and Standard Board, the Supreme Court

Committee on Judicial Education and Training, the Arizona Justice of the Peace Association Board, and many subcommittees.

### **Lawyer Members**

**Denise K. Aguilar** is an attorney member of the Commission. She has been licensed to practice law in Arizona since 2004. Denise works for the Federal Public Defender as CJA Resource Counsel for the United States District Court for the District of Arizona. She received her B.A. in Criminal Justice from New Mexico State University and Juris Doctorate from the University of New Mexico School of Law.

**J. Tyrrell Taber** is a trial lawyer licensed to practice law in Arizona and California. Ty has represented plaintiffs and defendants 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 and the Arizona Court Reporter Board.

### **Public Members**

**Christopher W. Ames** is the President of Paragon Technology, Inc., a company he co-founded in 1983. He is a patented inventor and holds a B.S. 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.

**Roger Barton** is the owner of Badger Roofing, a Prescott-area licensed residential and commercial roofing contractor business. 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 career, he has sought opportunities to serve within the communities he has resided in and has volunteered on a number of boards of organizations.

**Colleen Concannon** (Commission Secretary) is an Accountant and Project Management Professional with RCSC, LLC. 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/IT from the University of Houston. She has worked in information technology, executive management, finance, and project management in both the public and private sectors throughout her career. She is also a dedicated community volunteer and has served as a board member for numerous public and private organizations within the State of Arizona.

## EDUCATIONAL OUTREACH

Members of the Commission, as well as Commission staff, regularly participate in programs designed to educate judges, court staff, and judicial candidates about their ethical obligations and about Commission procedures. A sampling of programs that Commission members and staff participated in during 2020 includes:

- Limited Jurisdiction New Judge Orientation
- General Jurisdiction New Judge Orientation
- Maricopa County Justice of the Peace Training
- Small Claims Hearing Officer Training
- Civil Hearing Officer Training
- Administrative Office of the Courts (AOC) Judicial Staff Training
- Supreme Court and Court of Appeals Law Clerk Training
- Maricopa County Justice Court Judge Pro Tem Training
- Podcast regarding ethics in a time of pandemic
- Presentations for judges and court staff in Cochise County and Greenlee County regarding ethics, political activities, and social media use

## COMMISSION FINANCES

The Commission is funded through the legislature's general fund appropriation to the Arizona judicial branch. The Commission's budget totals approximately \$500,000. Employee compensation, benefits, and rent account for more than 90% of the Commission's budget.

## COMMISSION STAFF

The Commission's staff consists of an executive director, one full-time lawyer, one part-time lawyer, a commission specialist, and an administrative assistant (currently vacant). The Commission also has an employee who works four hours per week to support its database and related technology.

In addition to the 363 new complaints opened in 2020, Commission staff fielded 971 telephone inquiries, handled 9 public records requests, and docketed 85 potential cases and general inquiries.

**Margaret H. Downie** is Executive Director of the Commission and Staff Director of the Arizona Judicial Ethics Advisory Committee. Before assuming these roles in November 2017, Ms. Downie was a judge on the Arizona Court of Appeals, Division One, from 2008 to 2017. Prior to that, she spent 11 years on the Maricopa County Superior Court, where she was Associate Presiding Judge and Civil Presiding Judge. Ms. Downie received her J.D. from Georgetown University. She previously served as a member of the Arizona Commission on Judicial Conduct and the Judicial Ethics Advisory Committee. She is an active member of the State Bar of Arizona.

**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.

**Meredith Vivona** serves as Independent Bar Counsel pursuant to Arizona Supreme Court Administrative Order 2018-20. That position is supervised by the Commission's executive director and is housed in the Commission's office. Ms. Vivona investigates and resolves, through the lawyer discipline process, complaints filed against lawyers that, for conflict of interest reasons, cannot be handled by the State Bar's lawyer regulation staff. As time permits, she also assists the Commission in investigating and resolving judicial conduct complaints. Ms. Vivona is an active member of the State Bar of Arizona and previously worked in private practice in Phoenix for more than 10 years.

**Kimberly Welch** serves as Commission Specialist – a position she has held since March of 2014. Ms. Welch has worked in the legal field for 35 years, including positions with large national law firms, where she assisted with complex civil litigation, government contracts, corporate and taxation law, and tort litigation. She is a certified small business manager.