



Arizona Commission on Judicial Conduct 2022 Annual Report

This is the annual report of the Arizona Commission on Judicial Conduct (“Commission”) for calendar year 2022.

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 courts, 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.

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.

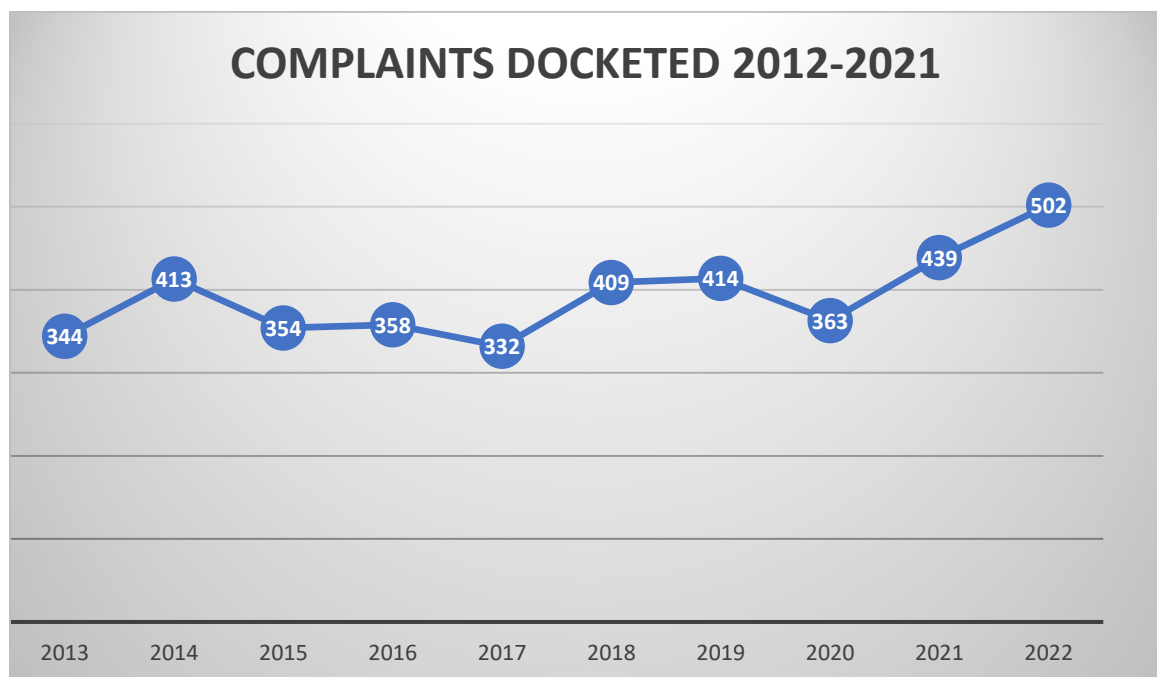
If the investigation of a complaint suggests that a judge's conduct warrants a sanction greater than a public reprimand – i.e., censure, suspension, or removal – the Commission's chairperson may appoint an investigative panel comprised of three Commission members (one judge, one lawyer, and one public 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 2022, the Commission docketed 502 new complaints – approximately a 14% increase from the prior year. The increase may be attributable to two factors. First, the Commission has changed its practice regarding complaints against multiple judges. In the past, those complaints may have been consolidated under one case number. However, due to issues regarding the public postings on those multiple judge cases, particularly when public discipline is imposed against one judge, but not another, the Commission has adopted a practice of one judge per case number. This is consistent with how the Arizona State Bar docketed complaints against multiple attorneys. Second, staff attributes the increase in complaint filings to a general decrease by the public in trust and confidence in the judiciary.

The following chart depicts new complaint filings over a 10-year period:



In both 2021 and 2022, the Commission had periods of time when the position of disciplinary counsel/staff attorney was vacant. This is the position primarily responsible for investigating all complaints. Unfortunately, these vacancy periods caused a backlog in complaint processing, which staff is still working diligently to resolve.

By the end of 2022, the Commission had resolved nearly all of the outstanding complaints filed in 2021, and had resolved approximately 35% of the complaints filed

in 2022, approximately 422 complaints altogether. The remaining complaints filed in 2022 are pending investigation and review by the Commission.

Two formal proceedings were also commenced in 2022 by disciplinary counsel which are detailed in the 2022 Dispositions section.

2022 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 2022. The public record regarding reprimand cases is available on the Commission's website – 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:

Formal Proceedings (2)

Justice of the Peace Adam W. Watters had formal proceedings commenced against him arising out of four complaints related to the same course of conduct – Case Nos. 21-043, 21-048, 21-155, and 21-248. The formal charges alleged Judge Watters used extensive profanity and discharged a firearm in the vicinity of an individual who was subsequently convicted of stalking Judge Watters, and that Judge Watters used profanity toward a process server who was serving him with a subpoena. The Commission alleged his conduct violated Rules 1.1 (“A judge shall comply with the law, including the Code of Judicial Conduct”) and 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 Article 6.1, Section 4 of the Arizona Constitution (forbids a judge to engage in “conduct prejudicial to the administration of justice that brings the judicial office into disrepute”). Judge Watters did not seek re-election, and his term expired on December 31, 2022. The formal charges were resolved through a resolution in which Judge Watters made no admissions to the factual allegations in the Statement of Charges nor any admissions that his conduct violated the Code, however, he did agree that upon the expiration of his term in office, he would not seek any form of judicial office again in the State of Arizona.

Justice of the Peace Donald G. Roberts had formal proceedings commenced against him in Case No. 21-265 which stemmed from the results of an operational review and audit of his court by the Administrative Office of the Courts. The final report contained evidence that Judge Roberts had violated the law, failed to conduct hearings in accordance with proper procedures, displayed poor judicial demeanor, violated the rights of litigants appearing before him, imposed improper and excessive sentencing terms, and gave priority to a non-court matter. The Statement of Charges alleged Judge Roberts conduct violated Rules 1.1 (“A judge shall comply with the law, including the Code of Judicial Conduct”), 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”), 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 . . .”), 3.1(E) (“a judge shall not make use of court premises, equipment or other resources unless such other use is permitted by law”), and Article 6.1, Section 4 of the Arizona Constitution (forbids a judge to engage in “conduct prejudicial to the administration of justice that brings the judicial office into disrepute”). Judge Roberts passed away during the pendency of the formal charges. As a result, the Commission dismissed the formal charges.

Reprimands (12)

Justice of the Peace Bruce E. Staggs was reprimanded in case number 20-318 for requesting a county employee’s assistance with a personal project during court hours, referring to a staff member as “frigid,” making comments to a staff member to intimidate her from filing a judicial conduct complaint, raising his hand toward a court employee, and making inappropriate comments to male staff. His conduct violated Rules 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”), 2.3(B) (“a judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation . . .”), 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 . . .”), and 2.16(B) (“[a] judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer”). Judge Staggs was also ordered to complete additional training at his own expense: “How to Communicate with Diplomacy and Tact” through Dale Carnegie – Live Online.

Justice of the Peace Elaissia Sears was reprimanded in case number 21-193 for failing to liberally grant a continuance or make arrangements to allow a defense attorney experiencing COVID-19 symptoms to appear telephonically, which detrimentally affected a litigant when the judge issued a default judgment against the litigant (whose appearance had previously been waived by the court) and imposed a fine. Her conduct violated Rules 1.1 (“a judge shall comply with the law, including the Code of Judicial Conduct”), 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”), 2.5(A) (“a judge shall perform judicial and administrative duties competently, diligently, and promptly”), and Sections I(b), I(8), and I(10) of the Arizona Supreme Court Administrative Order 2021-52 regarding COVID-19 protocols.

Superior Court Judge Deborah Bernini received a reprimand in Case No. 21-163 for authoring a letter to the editor of a local newspaper in which she defended an attorney from what she perceived as unfair character attacks by the newly elected county attorney. The letter vouched for the professionalism and integrity of the lawyer, and she used her judicial title on the letter. Additionally, Judge Bernini was presiding over a criminal case in which that same lawyer was listed as a witness, and she failed to disqualify herself from the case after being requested to do so by defense counsel after the letter appeared in the newspaper. Her conduct violated Rules 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”), 1.3 (“a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so”), 2.2 (“a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially”), 2.3(A) (“a judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice”), 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 2.11(A) (“a judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned . . .”).

Superior Court Judge Cathleen Brown Nichols received a reprimand in Case No. 21-210 after engaging in ex parte communications with a psychiatric nurse practitioner from the jail which resulted in her ordering an individual be transported for psychiatric admission for medication management and stabilization at an out-of-county facility. She did not inform or give the individual’s legal counsel an opportunity to be heard prior to issuing the order. Her conduct violated Rules 1.1 (“a judge shall comply with the law, including the Code of Judicial Conduct”), 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”), 2.6(A) (“a judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law”), and 2.9(B) (“If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision to promptly notify the parties of the substance of the communication and provide the parties with an opportunity to respond”).

Superior Court Judge Cathleen Brown Nichols received a reprimand in CJC Case No. 21-363 for failing to timely issue multiple rulings between 2020 and 2021. Her conduct violated Rules 2.5(A) (“a judge shall perform judicial and administrative duties competently, diligently, and promptly”) and 2.12(A) (“a judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under this code”).

Justice of the Peace Gerald A. Williams received a reprimand in Case No. 21-283 for creating a post on his Facebook page which displayed a photograph of a pleading filed by a litigant. The pleading was crudely redacted, such that the case number was visible, and the litigant's name was partially visible. The litigant had sought an extension of time to seek defensive driving school, claiming his puppy ate his paperwork. While Judge Williams posted the photo without a comment, description, or caption, the Commission found that the intention of the post was to mock the litigant's request. His conduct 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").

Justice of the Peace M. William Rummer was reprimanded in Case No. 21-307 when he questioned a defendant regarding the reasons for his failure to appear, and then using those answers to coerce the defendant to plead guilty and stating, "I'm pleading you guilty." Additionally, Judge Rummer failed to give the requisite plea colloquy or required advisories. His conduct violated Rules 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"), 2.2 ("a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially"), and 2.6(A) ("a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law").

Superior Court Judge Cathleen Brown Nichols received a reprimand in Case No. 21-321 for failing to issue a timely ruling on a lower court appeal which violated Rule 2.5(A) ("a judge shall perform judicial and administrative duties competently, diligently, and promptly"). The order discusses the Commission's rationale for issuing a second public reprimand to Judge Brown Nichols on this issue, rather than filing formal charges, noting that the delayed ruling occurred during the same time frame as the other delayed rulings in Case No. 21-363, and that Judge Brown Nichols has implemented remedial tracking measures to hopefully alleviate any such delay in the future.

Justice of the Peace Erica Cornejo was reprimanded in Case No. 21-332 for dismissing two civil complaints without giving a litigant the opportunity to be heard as required by the applicable Justice Court Rules of Civil Procedure. Additionally, the Commission found that Judge Cornejo's lack of a thorough response to the complaint amounted to insufficient candor to the Commission, particularly since Judge Cornejo was given an advisory on this issue in 2020. Her conduct violated Rules 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"), 2.2 ("a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially"), 2.5(A)

“a judge shall perform judicial and administrative duties competently, diligently, and promptly”), 2.6(A) (“a judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law”), and 2.16(A) (“a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies”).

Justice of the Peace Bruce E. Staggs received a reprimand in Case No. 21-350 for his actions in handling matters on a traffic calendar in which he gave the appearance of bias in favor of law enforcement by referring to an officer’s testimony as “esteemed,” failed to maintain order and decorum in his courtroom by allowing a defendant to be repeatedly disruptive and argumentative, asking questions that suggested he had taken on the role of a prosecutor, interjected his own personal experiences, vouched for the training and experience of the law enforcement officers appearing before him, and questioned a litigant why she had exercised her right to a trial which suggested a pre-judgment of the case. His conduct violated Rules 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”), 2.2 (“a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially”), 2.8(A) (“a judge shall require order and decorum in proceedings before the court”), and 2.9(C) (“except 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”).

Superior Court Judge Dan R. Slayton was reprimanded in Case No. 22-073 for his conduct, in conjunction with another superior court judge (Judge Cathleen Brown Nichols in Case No. 21-210), in authorizing an individual to be transported for psychiatric admission for medication management and stabilization at an out-of-county facility. Judge Slayton spoke with Judge Brown Nichols after her ex parte phone call from the psychiatric nurse practitioner at the jail. He denied authorizing her to issue an order to transport the individual out-of-county, however, Judge Brown Nichols issued such an order without any existing case number and failed to notify the individual’s attorney of the order until after it had been issued. The following day, Judge Slayton agreed to a request from Judge Brown Nichols that the case number for an old criminal case involving the individual that Judge Slayton had presided over could be attached to the transport order. Judge Slayton either signed this amended order or authorized Judge Brown Nichols to sign the order on his behalf, which was once again issued without notice to either the state or the individual’s legal counsel. His conduct violated Rules 1.1 (“a judge shall comply with the law, including the Code of Judicial Conduct”), 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”), 2.6(A) (“a judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law”), and

2.9(B) (“If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision to promptly notify the parties of the substance of the communication and provide the parties with an opportunity to respond”).

Superior Court Judge Jennifer Ryan-Touhill received a reprimand in Case No. 22-165 for her actions that created an appearance of bias when she stepped off the bench and embraced a witness after the witness’s testimony concluded. Her conduct violated Rules 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 2.3(B) (“a judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice . . .”).

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 8 warnings and 8 advisories in 2022, which are summarized as follows:

Warnings

- The Commission warned a superior court commissioner to ensure she afforded all parties an opportunity to be heard. *See* Rule 2.6(A).
- A justice of the peace pro tem was issued a warning letter reminding him of his obligations to not initiate, permit, or consider ex parte communications as well as to ensure the litigants’ rights to be heard. *See* Rules 1.2, 2.6(A), and 2.9(A).
- The Commission warned a city court magistrate after finding he engaged in improper demeanor and engaged in conduct that gave the impression he treated female employees differently than male employees in violation of Rules 2.2, 2.3(B), and 2.8(B).
- A justice of the peace was issued a warning letter that one of her social media postings gave a perception of bias and amounted to an appearance of

impropriety under Rule 1.2. The judge was reminded to exercise vigilance over the contents of her social media postings.

- The Commission warned a justice of the peace to refrain from giving legal advice and engaging in ex parte communication. *See* Rules 1.2, 2.2, 2.9(A), and 3.10.
- A superior court judge was issued a warning letter reminding him of his obligations to issue rulings in a timely manner. *See* Rules 1.1 and 2.5(A), Article 2, Section 11 of the Arizona Constitution, and Article 6, Section 21 of the Arizona Constitution.
- The Commission issued a warning letter to a superior court judge in two separate complaints reminding him of his obligations to issue rulings in a timely manner. *See* Rules 1.1 and 2.5(A), Article 2, Section 11 of the Arizona Constitution, Article 6, Section 21 of the Arizona Constitution, and A.R.S §12-128.01.

Advisories

- The Commission issued an advisory letter to a municipal court judge reminding her of the prohibition on soliciting funds for charity under Rule 3.7.
- A superior court judge received an advisory reminding him to avoid ex parte discussions with judges who have previously been disqualified from hearing a matter so as not to violate Rules 1.2 and 2.9(A).
- The Commission reminded a superior court judge of their obligations under Rules 1.1, 1.2, and 2.5(A) when they failed to make a record of a UCCJEA conference.
- A justice of the peace received an advisory reminding him of his obligations to issue timely rulings under Rule 2.5(A).
- A superior court judge received an advisory reminding him of his obligations to issue timely rulings under Rule 2.5(A).
- The Commission issued an advisory letter to a justice of the peace to appropriately supervise her staff as required by Rule 2.12(A) to ensure rulings are timely distributed and documented as distributed. The letter also reminded the judge of her obligations to issue timely rulings under Rule 2.5(A).
- A superior court commissioner received an advisory letter reminding her of her obligations for disqualification under Rule 2.11.

- A justice of the peace received an advisory letter regarding avoidance of the appearance of impropriety caused by permitting a partisan political group to meet in his courtroom. *See* Rule 1.2.

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 2022, two such orders were issued.

- Case No. 21-290 (Judge Keith Bee): Since 2018, the Commission had been monitoring the federal criminal case involving former Pima County Justice of the Peace Keith Bee on tax fraud charges. In 2021, former Judge Bee pled guilty to Making and Subscribing a False Income Tax Return, a felony offense in violation of 26 U.S.C. §7206(1). The conduct had occurred while he was a judicial officer. The Commission made multiple attempts to reach out to former Judge Bee in the hopes of pursuing a stipulated resolution that he would agree never to seek judicial office in the future, but he did not respond to any of those requests. He was later sentenced to prison and ordered to pay in excess of \$343,000.00 in restitution. Rather than expend the Commission's limited resources in pursuing formal charges against an individual who no longer holds judicial office, the Commission chose to close its investigation without an adjudication on the merits. Should Judge Bee ever return or attempt to return to judicial service in the future, the Commission shall reopen this matter to pursue formal charges.
- Case No. 21-268 (Judge Donald G. Roberts): As noted in the Formal Proceedings section, *supra*, the Commission had initiated formal charges against Judge Roberts in a separate matter, Case No. 21-265, which included allegations of improper demeanor and imposition of improper and excessive sentences, which were similar to the allegations raised by the complainant in this matter. Judge Roberts passed away while the formal proceedings and this complaint were pending. Therefore, the Commission dismissed this complaint, but chose to make the disposition public as it pertained to Judge Roberts.

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 Arizona State Courts Building in Phoenix.

During 2022, 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 (Commission 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 a Maricopa County Superior Court Judge, assigned to a criminal court calendar. He was appointed to the Bench in June, 2007. He previously served as the Court's Associate Presiding Judge, the juvenile department Presiding Judge, the criminal department Associate Presiding Judge, the family department 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 court and state-wide 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 and current Vice-Chair (elected January 2023) of Arizona's Judicial Conduct Commission. He is the former co-chair of the statewide General Jurisdiction New Judge Orientation program. Judge Kreamer also received the 2021 James A. Walsh Outstanding Jurist Award from the State Bar of Arizona.

Arizona Superior Court, Pinal County

Delia R. Neal is the Presiding Juvenile Court Judge for Pinal County Superior Court. She previously served as a Court Commissioner from 2012 until 2016 when she was appointed by Gov. Doug Ducey to serve as a divisional judge for Pinal County Superior Court. Judge Neal has worked in both criminal and family court assignments and previously served as the Presiding Family Court Judge and the Chief Pretrial Judge.

Judge Neal attended Eastern Michigan University for undergraduate studies and later received her JD from the University of Wyoming. A Wyoming native, Judge Neal moved to Arizona in 1996 where she passed the State Bar and began work as a Deputy County Attorney for Maricopa County Attorney's Office in 1997. Judge Neal also worked as a prosecutor for the City of Scottsdale and the Pinal County Attorney's Office before starting a solo practice and working as a judge pro-tem in Maricopa and

Pinal counties. Judge Neal currently serves on the Committee on Juvenile Courts and the Supreme Court's Commission on Technology. She previously served as a member of the Pretrial Services Committee and previously served as the President of the Arizona Judges Association.

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. Mr. Taber's term expired as of December 31, 2022.

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. Mr. Ames resigned from the Commission effective November 4, 2022.

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 30 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 E. 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 2022 includes:

- Limited Jurisdiction New Judge Orientation
- General Jurisdiction New Judge Orientation
- Maricopa County Justices of the Peace, Pro Tems and Hearing Officers Training
- Small Claims Hearing Officer Training
- Civil Hearing Officer Training
- Ethics Presentations at the Arizona Judicial Conference
- Administrative Office of the Courts (AOC) Judicial Staff Training
- Supreme Court and Court of Appeals Law Clerk Training
- Mohave County COJET Conference
- Practice During the Pandemic and After – Sandra Day O’Connor Inn of Court (commentary on judicial discipline on pandemic related matters)
- Overview of Judicial Ethics to visiting judges from the Republic of Kazakhstan

COMMISSION FINANCES

The Commission is funded through the legislature’s general fund appropriation to the Arizona judicial branch. The Commission’s budget totals approximately \$525,000.00. 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. The Commission also has an employee who works four hours per week to support its database and related technology.

In addition to the 502 new complaints opened in 2022, Commission staff fielded 983 telephone inquiries, handled 11 public records requests, and docketed 54 potential cases and general inquiries.

April P. Elliott is Executive Director of the Commission and Staff Director for the Judicial Ethics Advisory Committee. She is an active member of the State Bar of Arizona, and she previously served as the Commission's Disciplinary Counsel from 2014 to 2021. Ms. Elliott was a judge on the Pinal County Superior Court from 2005 - 2006, and she served as a judge pro tem for both Pinal County Superior Courts and Justice Courts from 2002 - 2005. Before becoming a judge, Ms. Elliott was in private practice for 10 years in Casa Grande, Arizona, handling a variety of case types. Following her service on the bench, she worked at the Pinal County Public Defender's Office until she joined the Commission in October 2014. She received both her undergraduate and law degrees from the University of Arizona, serving as Managing Editor for the *Arizona Law Review* from 1994 - 95.

Ariel Worth joined the Commission as Disciplinary Counsel/Staff Attorney in April 2022. Ms. Worth was admitted to practice in Arizona in 1997. She has prior experience in civil and criminal practice, along with extensive experience investigating and prosecuting lawyer discipline cases for the State Bar of Arizona. Prior to joining the Commission, Ms. Worth worked for U.S. Immigration and Customs Enforcement as an immigration prosecutor and employment attorney. Ms. Worth received a B.A. from Grinnell College, and a J.D., with distinction, from the University of Nebraska, where she also served as an executive editor for the *Nebraska Law Review*.

Meredith Vivona serves as Independent Bar Counsel pursuant to Arizona Supreme Court Administrative Order 2018-20. This part-time 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. If her schedule 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.

Kylie Henning joined the Commission as an Administrative Assistant in July 2022. Ms. Henning is currently working with us full-time while finishing up her bachelor's degree in political science at Penn State online. She previously worked at Carvana where she developed and implemented a workflow system for the Fortune 500 company.