



Arizona Commission on Judicial Conduct 2023 Annual Report

This is the annual report of the Arizona Commission on Judicial Conduct (“Commission”) for calendar year 2023.

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.

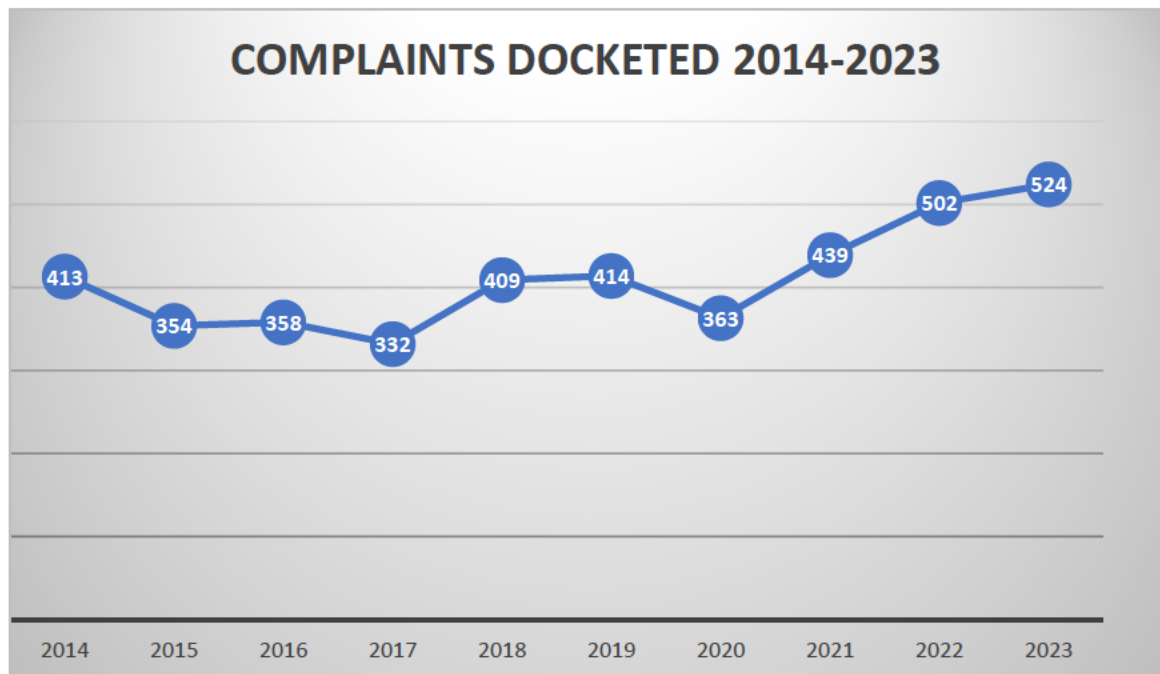
If the investigation of a complaint suggests that a judge's conduct warrants a sanction greater than a public reprimand – i.e., censure, suspension, or removal – the Commission's chairperson may appoint an investigative panel comprised of three Commission members (one judge, one lawyer, and one public 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 2023, the Commission docketed 524 new complaints – approximately a 4% increase from the prior year. Excluding 2020 when fewer court hearings were held due to pandemic restrictions, the number of filings has been steadily increasing since 2017. Staff attributes the increase in complaint filings to more self-represented litigants in the system who lack an attorney to help explain legal procedures and processes, as well as a general decrease by the public in trust and confidence in the judiciary, and government in general.

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. In August 2023, the Commission was able to hire a second disciplinary counsel/staff attorney utilizing grant funds to assist in the resolution of the backlog. The Commission is seeking permanent funding for this position from the legislature, but may lose this position at the end of this fiscal year if alternative funding cannot be found.

In 2023, the Commission entered dispositional orders on 623 new complaints and 44 motions for reconsideration. As of December 31, 2023, the Commission had resolved ninety-seven percent of the complaints filed in 2022, and had resolved approximately fifty-three percent of the complaints filed in 2023. The remaining complaints filed in 2022 and 2023 are pending investigation and review by the Commission.

2023 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 2023. 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:

Reprimands (7)

Superior Court Judge John F. Kelliher, Jr. received a reprimand in Case No. 22-157 for improper demeanor. The Commission found Judge Kelliher made a mocking gesture with his hand during an attorney's telephonic appearance for a hearing, which mimicked a talking puppet by opening and closing his hand while the attorney addressed the court. The judge also engaged in improper commentary while on the bench, including monologues about brain function, non-verbal communication, ducks, mercy, and a "yes or no" coin. 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") and 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 . . .").

Superior Court Judge John F. Kelliher, Jr. received a reprimand in Case No. 22-430 after engaging in improper demeanor during a juvenile settlement conference. The Commission found that Judge Kelliher engaged in insulting, demeaning, and unnecessary dialogue with the father, who was present without his attorney. The Commission found the judge's commentary and treatment of the parties, particularly the father, to be disrespectful in violation of 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 . . .") and also 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 Pro Tempore Jeremy M. Goodman received a reprimand in Case No. 22-163 for taking a matter under advisement and then never issuing a ruling, despite advising a supervisory justice of the peace that he would do so. Another justice of the peace ultimately had to be brought in to make the ruling. Judge Goodman also failed to respond to the Commission’s inquiry, however, the Commission subsequently learned he was not re-appointed as a pro tempore justice of the peace. His conduct violated Rules 1.1 (“a judge shall comply with the law”), 2.5(A) (“a judge shall perform judicial and administrative duties competently, diligently, and promptly”), 2.5(B) (“a judge shall reasonably cooperate with other judges and court officials in the administration of court business”), 2.7 (“a judge shall hear and decide matters assigned to the judge . . .”), 2.16 (“a judge shall cooperate and be candid and honest with judicial . . . disciplinary agencies”), and Ariz. Const. Art. 2 § 11.

Justice of the Peace Bruce E. Staggs received a reprimand in Case No. 22-218 for his actions in handling four intertwined protective order matters and a criminal case. While speaking to the parties about potentially resolving the dispute, Judge Staggs commented on his knowledge of one of the parties, stating, “I know you got a solid foundation in Christ. I don’t know what you guys’ beliefs are, but I know you do.” Following the hearing on the protective orders, one of the parties’ attorneys filed a motion for change of judge for cause based on Judge Staggs aforementioned comment as he was also assigned to handle a criminal case involving a party for violating the protective order. Judge Staggs spoke directly to this attorney at the time the motion was filed denying he had any bias and making it clear that he was displeased such a motion was being filed. The other side was not present during this exchange. When another justice of the peace conducted the hearing on the motion for change of judge for cause, that judge provided to both parties a copy of a document entitled “Response to Motion and Court Order,” in which Judge Staggs argued that the motion did not make an adequate argument to support a change of judge for cause, but nonetheless, pursuant to Rule 10.1, Ariz.R.Crim.Pro., he would refer the matter to the presiding judge for ruling. The certificate of service on the document prepared by Judge Staggs does not show that it was distributed to either party. 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”), Rule 2.2 (“a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially”), Rule 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, and shall not permit court staff,

court officials, or others subject to the judge's direction and control to do so"), Rule 2.4(B) ("a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment"), Rule 2.9(A) ("a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter . . ."), and 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").

City Court Magistrate A. Douglas LaSota was reprimanded in Case No. 22-377 for engaging in improper ex parte communications. Judge LaSota conducted a telephonic conference on the record in a criminal case with only the defendant's attorney participating in the call. Judge LaSota made vague statements regarding the whereabouts of the prosecutor. The Commission did not find that the call fell into the administrative and scheduling exception to Rule 2.9 of the Code. 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") and Rule 2.9(A) ("a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter . . .").

Superior Court Judge John F. Kelliher, Jr. received a consolidated reprimand in Case Nos. 22-368 and 23-147 for improper demeanor during a juvenile hearing in which he made repeated inquiries if the mother was high at the time and lectured the mother. The judge never stated for the record his basis for believing the mother was impaired, and another individual who was present during the hearing did not recall any outward signs of possible impairment. The judge's statements to mother were condescending, irrelevant to the pending request before the court, and served only to extend the length of the hearing and cause the mother unnecessary distress. After the hearing was closed to the public, the judge made additional gratuitously demeaning statements to the mother. Judge Kelliher's 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"), Rule 2.2 ("a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially"), Rule 2.6(A) (a judge shall ". . . accord to every person who has a legal interest in the proceeding, or that person's lawyer, the right to be heard according to law"), and Rule 2.8(B) ("[a] judge shall be patient, dignified, and courteous to litigants . . .").

City Court Magistrate A. Douglas LaSota was reprimanded in Case No. 22-464 for engaging in improper demeanor and making comments that he had

prejudged the defendant’s credibility and creating an appearance of pre-judgment as to disputed issues. The judge’s comments were not relevant to the request before it and had a chilling effect on the defendant’s right to defend herself at this hearing. 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”), Rule 2.2 (“a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially”), and Rule 2.6(A) (a judge shall “. . . accord to every person who has a legal interest in the proceeding, or that person’s lawyer, the right to be heard according to law”).

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 9 warnings and 3 advisories in 2023, which are summarized as follows:

Warnings

- The Commission issued a warning letter to a superior court commissioner reminding him of his obligations to issue rulings in a timely manner following his self-report of three delayed rulings. *See* Rules 1.1 and 2.5(A), Article 6, Section 21 of the Arizona Constitution, and A.R.S §12-128.01.
- A superior court judge was warned regarding a delayed ruling in a family law matter. *See* Rule 2.5(A), A.R.S. § 12-128.01, and Art. 2, Sec. 11 and Art. 6, Sec. 21 of the Arizona Constitution.
- The Commission issued a warning letter to a superior court judge for coercing parties to settle in a criminal case. *See* Rule 2.6(B).
- A superior court judge was warned regarding a delayed ruling. *See* Rules 1.1 and 2.5(A).
- The Commission issued a warning letter to a superior court commissioner to be mindful that his comments to a litigant about her statements potentially forming the basis of a future criminal complaint had a chilling effect on her ability to explain her side of the disputed issue to the court. *See* Rule 1.2.

- The Commission issued a warning letter to a superior court judge regarding a delayed ruling. *See* Rules 1.1 and 2.5(A).
- The Commission issued a warning letter to a superior court pro tem judge reminding her of her obligations to issue rulings in a timely manner following her self-report of a delayed ruling. *See* Rules 1.1 and 2.5(A), Article 2, Section 11 and Article 6, Section 21 of the Arizona Constitution, Rule 91(e), Ariz.R.Sup.Ct., and A.R.S §12-128.01.
- A justice of the peace received a warning reminding him of his obligations to ensure parties are afforded an opportunity to be heard. *See* Rules 1.1 and 2.6(A).
- The Commission issued a warning letter to a justice of the peace reminding him of his obligations to ensure parties are afforded an opportunity to be heard. *See* Rules 1.1 and 2.6(A).

Advisories

- The Commission issued an advisory letter to a superior court judge reminding him of his obligations to issue rulings in a timely manner following his self-report of three delayed rulings. *See* Rules 1.1 and 2.5(A), Article 6, Section 21 of the Arizona Constitution, and A.R.S §12-128.01.
- A municipal court pro tem judge received an advisory for comments made on a prospective juror questionnaire. While the Commission noted that it lacked jurisdiction over the conduct based on the limited application of the Code to Part D Judges (see Application Section of the Code), it noted that had the comments been made while the person was serving in a judicial capacity, the comments would have violated Rule 1.2 of the Code.
- A superior court judge received an advisory reminding her of her obligations to afford parties an opportunity to be heard and to ensure she engaged in appropriate demeanor. *See* Rules 2.6(A) and 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 2023, one such order was issued, and starting with 2023 matters to ensure more transparency, these public dismissals will be noted in a separate category on the Commission's website – Other Public Dispositions.

- Case No. 23-105 (Judge Celé Hancock): Yavapai County Superior Court Judge Celé Hancock agreed to resign and not seek judicial office in the future following her arrest and conviction for a misdemeanor DUI.

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 2023, 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 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 (Commission Vice-Chair) 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 is currently 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 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 currently serves on the civil bench for the 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 currently serves as the Specialty Court Judge, presiding over Drug Treatment Court, Veterans' Treatment Court, and Mental Health Treatment Court. She previously served as the Presiding Family Court Judge, Presiding Juvenile 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 as the Chief Judicial Education,

Training, and Technology Judge for Pinal County, chairs the Pinal County Technology Governance Board, and serves on the Pinal County COJET Committee. on the Committee on Juvenile Courts and the Supreme Court's Commission on Technology. She previously served as a member of the Committee on Juvenile Courts, the Pretrial Services Committee and previously served as the President of the Arizona Judges Association.

Surprise City Court

Louis Frank Dominguez 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 current member, former Chair, and former Vice-Chair of the Commission on Judicial Conduct. He 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, and Los Abogados. 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. In June 2021, Judge Dominguez received the COJET Excellence in Education Award from the Judicial College of Arizona, a standing committee of the Committee on Judicial Education and Training (COJET). This was in recognition of outstanding performance and dedicated service to the Arizona Courts in judicial education.

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.

Regina L. Nassen¹ has been a Principal Assistant City Attorney in the Tucson City Attorney's Office since August 2021 after almost 18 years as a Deputy County Attorney in the Civil Division of the Pima County Attorney's Office ("PCAO"). While at PCAO, Regina also served as the Supervising Attorney of the Civil Division's Business & Transactions Unit and as PCAO's Chief Ethics Counsel. Prior to becoming a government lawyer, she was in private practice as an Associate with Snell & Wilmer from 1993 to 2000.

Ms. Nassen served on the Arizona Supreme Court's Ethics Advisory Committee for five years, from 2019 through 2023, and is a member of the ABA's Center for Professional Responsibility CLE Committee and a fellow of the American Bar Foundation. She is a member of the governing council of the ABA's Government & Public Sector Lawyers Division and a past Chair of the State Bar of Arizona's Public Lawyers Section. Ms. Nassen has presented or moderated numerous CLE presentations on legal ethics, real-estate practice, state constitutional law, and legal

¹ Scott C. Silva served as an attorney member from January 1, 2023 to October 9, 2023 when he was appointed to the Chandler Municipal Court Bench. Ms. Nassen was appointed to fulfill the unexpired portion of Mr. Silva's term on December 1, 2023.

writing. She is a recipient of the State Bar of Arizona's Public Lawyers Section Distinguished Public Lawyer Award.

Ms. Nassen graduated summa cum laude from the University of Arizona College of Law in 1992, after which she clerked for Justice Frederick Martone on the Arizona Supreme Court before entering private practice. She graduated summa cum laude from the University of Northern Iowa in 1986.

Public Members

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.

One public member position was vacant throughout 2023.

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 2023 includes:

- Limited Jurisdiction New Judge Orientation
- General Jurisdiction New Judge Orientation
- Appellate New Judge Orientation
- Maricopa County Justices of the Peace, Pro Tems, and Hearing Officers Training
- Maricopa County Superior Court Bench Training
- Pima County Justices of the Peace Training
- Pinal County Fall COJET Conference
- 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
- State Bar of Arizona (Ethics for Pro Tem Judges)
- ACA Spring Conference (Ethics for Judicial Employees)

COMMISSION FINANCES

The Commission is funded through the legislature's general fund appropriation to the Arizona judicial branch. The Commission's budget totals approximately \$609,000.00. 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, 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 July 2023, the Commission received temporary grant funding to employ a second full-time lawyer as disciplinary counsel/staff attorney, and that position was filled in August 2023.

In addition to the 524 new complaints opened in 2023, Commission staff fielded 1083 telephone inquiries, handled 7 public records requests, and docketed 33 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*.

Brian Bohan joined the Commission as a secondary Disciplinary Counsel/Staff Attorney in August 2023. Mr. Bohan was most recently in private practice, handling primarily criminal cases. Prior to that, he spent 28 years in the Pinal County Public Defender's Office. While there, he served as a Capital Attorney, as well as helped create and run several of the specialty courts that now handle the bulk of the criminal cases in Pinal county. He also has experience as a solo general practitioner. Mr. Bohan received both his undergraduate and law degrees from the University of Arizona.

David Cunanan 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. Mr. Cunanan 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 his schedule permits, he also assists the Commission in investigating and resolving judicial conduct complaints. Mr. Cunanan is a retired Maricopa County Superior Court judge.

Kimberly Welch serves as Commission Specialist – a position she has held since March of 2014. Ms. Welch has worked in the legal field for over 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.

Dora Ruelas Rivera joined the Commission as an Administrative Assistant in May 2023. Prior to joining the Commission, Ms. Ruelas Rivera worked for a personal injury attorney for eight years, and was previously employed in various call centers. She holds an associate degree in management.