

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-006

Judge:

Complainant:

ORDER

June 8, 2021

The Complainant alleged a justice of the peace engaged in improper demeanor, engaged in improper ex parte communications, held his statement about no faith in the court system against him, and attempted to intimidate him.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 8, 2021.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2021-006

COMPLAINT AGAINST A JUDGE

Name _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

See "Attachment A"

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ATTACHMENT A

**PETITIONER'S JUDICIAL
COMPLAINT AGAINST
JUSTICE COURT JUDGE**

Petitioner,
and
THE HON.
Respondent

Comes now Petitioner (Petitioner), as and for his complaint
against Respondent THE HON. (Respondent), of County
Justice Court, County of The following memorandum outlines the issues and
violations of Judge in the course of executing his office, in violation of the State of
Arizona's Code of Judicial Conduct (ACJC).

I. VIOLATION #1

On or about Petitioner had a trial presided over by Respondent, by
and between Petitioner and a third party, who is Petitioner's neighbor, Case
Number

During the course of the trial, Petitioner informed the Court that he did not have any
faith in the Court system, for various reasons. In response, Respondent stated that
this statement made by Petitioner was going to be held against Petitioner in Respondent's

1 determination. Respondent subsequently ruled against Petitioner, and found Petitioner guilty
2 of disturbing the peace.

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4 Rule 1.2 of the Arizona Code of Judicial Conduct states, "A judge shall act at all times
5 in a manner that promotes public confidence in the independence, integrity, and impartiality
6 of the judiciary, and shall avoid impropriety and the appearance of impropriety." By stating
7 on the record that Petitioner's lack of faith in the court system would effectively be held
8 against him in Respondent's determination of the matter before him, Respondent violated
9 Rule 1.2. Respondent's statement served to erode public confidence in the independence,
10 integrity and impartiality of the judiciary, and gave the appearance of impropriety.
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13 Rule 2.2 of the Arizona Code of Judicial Conduct states, "A judge shall uphold and
14 apply the law, and shall perform all duties of judicial office fairly and impartially." By
15 informing Petitioner that his lack of faith in the Court system would be held against
16 him, Respondent did not apply the law fairly and impartially, but rather, was swayed by
17 Petitioner's personal feelings towards the Court system, in violation of Rule 2.2 of the
18 Arizona Rules of Judicial Conduct.
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20 **II. VIOLATION #2**

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22 Approximately after the initial court date, during which time Petitioner and
23 his neighbor continued to have altercations, Petitioner received an unsolicited phone call
24 originating from the Justice Court, allegedly from Respondent's judicial assistant,
25 indicating that Respondent was willing to grant an Order of Protection to Petitioner against
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1 his neighbor, Petitioner went to the Justice Court on or about
2 to appear before Respondent and receive an Order of Protection against in
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4 Case Number However, upon the matter being called, Respondent informed
5 Petitioner that he had changed his mind and would not be able to grant Petitioner the Order of
6 Protection. Petitioner informed Respondent that he had taken a day off of work based on the
7 unsolicited phone call from Respondent's office in order to appear in court. A verbal
8 altercation ensued, wherein Petitioner called Respondent an idiot, and Respondent responded
9 in kind, calling Petitioner ignorant, and making other personal insults against Petitioner. The
10 confrontation devolved into a screaming match between Petitioner and Respondent in the
11 court room.
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14 By engaging in a verbal altercation with Petitioner, including the use of personal
15 insults, Respondent violated several rules of the Arizona Code of Judicial Conduct, including
16 Rule 1.2. As stated above, Rule 1.2 states, "A judge shall act at all times in a manner that
17 promotes public confidence in the independence, integrity, and impartiality of the judiciary,
18 and shall avoid impropriety and the appearance of impropriety." Calling Petitioner ignorant,
19 and using other insults served to erode confidence in the independence, integrity and
20 impartiality of the judiciary, and was entirely improper.
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23 Moreover, Rule 2.3 (B) of the ACJC states, "(B) A judge shall not, in the performance
24 of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment,
25 including but not limited to bias, prejudice, or harassment based upon race, sex, gender,
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**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**