

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-016

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace (then a judicial candidate) violated numerous provisions of Canon 4 during her campaign.

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 Commission approved sending the judge an advisory letter to ensure that her future campaigns comply with Rules 4.1(A)(2), 4.1(A)(3), 4.1(A)(5), and Rule 4.2 of the Code of Judicial Conduct. The Commission also encourages the judge to review Formal Ethics Advisory Opinion No. 18-06 (Judges' and Judicial Employees' Participation in Marches, Rallies, and Protests). 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.

Dated: June 11, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on June 11, 2021.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2021-016

**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.

Please see the attached Complaint against \_\_\_\_\_ and the accompanying exhibit package (Exhibits A-P).

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# Complaint against

Judicial Candidate for Justice of the Peace -

**VIA E-MAIL (cjc@courts.az.gov)**

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

Re: Notice of Multiple Arizona Code of Judicial Conduct Violations

Dear Commission:

Attached hereto is the official "How to File a Complaint" form as per the Arizona Commission on Judicial Conduct website. Below is the text of the complaint:

Complaint Against:

Judicial Capacity: Candidate for Justice of the Peace -

Application: The Judicial Canons apply to judicial candidates.

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## **Rule 4.3 Campaign Standards and Communications**

During the course of any campaign for nomination or election to judicial office, a judicial candidate, by means of campaign materials, including sample ballots, advertisements in the media, electronic communications, or a speech, press release, or any other public communication, shall not knowingly or with reckless disregard do any of the following:

(A) Post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person;

(F) Misrepresent the identity, qualifications, present position, or any other fact about the judicial candidate or an opponent;

(H) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a judicial candidate, or the candidate's employment history and descriptions of work-related titles or positions;

## **Violations of Canon 4, Rules 4.3(F) & (H)**

On or about \_\_\_\_\_, and afterwards, \_\_\_\_\_ has posted numerous photos of a new campaign sign (attached hereto as Exhibit A). The sign uses the term LAWYER, which is a violation of both Rule 4.3(F) and (H) as \_\_\_\_\_ **is not a lawyer.** \_\_\_\_\_ improper use of the term LAWYER is a violation of the rule as \_\_\_\_\_ is deliberately and intentionally attempting to mislead the public about her identity, qualifications, position and professional license.

Complaint against

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The State Bar of Arizona is the regulatory authority for lawyers in the state of Arizona. Upon searching the State Bar's records for \_\_\_\_\_ none exist. An official records request was made regarding \_\_\_\_\_, and the response from \_\_\_\_\_

\_\_\_\_\_ (attached hereto as Exhibit B). Additionally, the \_\_\_\_\_ also posts a list of licensed attorneys. The most recent list was published on \_\_\_\_\_ to which \_\_\_\_\_ name is absent (attached hereto as Exhibit C).

Per \_\_\_\_\_ website and other materials, \_\_\_\_\_ does have a law degree from \_\_\_\_\_ however obtaining this degree does not make \_\_\_\_\_ a lawyer, as she must then sit for and pass a bar exam, before becoming licensed by a state. \_\_\_\_\_ **has failed to obtain a law license and therefore is not entitled to call herself a lawyer.**

Despite running against a licensed attorney (incumbent \_\_\_\_\_) during the primary, \_\_\_\_\_ did NOT include the term LAWYER on any of her campaign signs (see Exhibits D, E, and F attached hereto). Moreover, none of \_\_\_\_\_ other campaign materials use the term LAWYER (see Exhibits G, H, I, J, K, L, and M attached hereto). The first use of the term LAWYER was on the new campaign sign and was also subsequently added to the "\_\_\_\_\_ " section of her website. \_\_\_\_\_ conduct is confusing to voters, as her judicial opponent, \_\_\_\_\_ is a licensed attorney with the State Bar of Arizona. (attached hereto as Exhibit N).

#### **Violation of Canon 4, Rule 4.3(A)**

On or about \_\_\_\_\_ on her personal \_\_\_\_\_ account via the username "\_\_\_\_\_ " from a \_\_\_\_\_ which included false, improper and negative remarks about a judicial opponent – \_\_\_\_\_ (attached hereto as Exhibit O). The \_\_\_\_\_ also included a link to a defamatory article about \_\_\_\_\_. The improper act by \_\_\_\_\_ the comments and the article is a clear violation of Rule 4.3(A) as \_\_\_\_\_ **has further transmitted information concerning an opponent that would be deceiving or misleading to a reasonable person.**

#### **Rule 4.2. Political and Campaign Activities of Judicial Candidates**

(A) A judicial candidate shall:

(1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary;

#### **Violation of Canon 4, Rule 4.2(A)(1)**

Rule 4.2 requires a judicial candidate to act in a manner consistent with the independence, integrity, and impartiality of the judiciary. Integrity is defined in the terminology section as "probity, fairness, honesty, uprightness, and soundness of character."

As continued from above, improper campaign activities regarding the use of the term LAWYER are not only inappropriate, but can also be considered gamesmanship, which is inimical to the concepts of fairness, honesty, and uprightness. Judges, including judicial candidates, are required to be fair, to hold parties to a high ethical standard, and to decide disputes based solely on the merits and the law. **Candidates for judicial positions should hold themselves to the same standard;** has not.

**Rule 4.1. Political and Campaign Activities of Judges and Judicial Candidates in General**

(A) A judge or a judicial candidate shall not do any of the following:

(3) publicly endorse or oppose another candidate for any public office;

(5) actively take part in any political campaign other than his or her own campaign for election, reelection or retention in office;

**Violations of Canon 4, Rules 4.1(A)(3) & (5)**

On or about posted to the official for Justice and mirrored on other social media accounts, a picture depicting the logo (attached hereto as Exhibit P). This act is a violation of Rule 4.1(A)(3) as it is a picture that endorses and supports another candidate for public office. Moreover, this act is actively campaigning for a campaign other than their own, which is an additional violation of Canon 4 – Rule 4.1(A)(5). has endorsed another candidate for public office, while also taking part in their campaign.

**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.**