

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-018

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge (then a judicial candidate) violated a number of provisions of Canon 4 of the Code during his judicial 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.

After review, the Commission found the judge improperly used the endorsement of a law enforcement association and engaged in generally undignified conduct by referring to his opponent as “anti-law enforcement,” suggesting his opponent drop out of the race or face a smear campaign, appearing in a “hit piece” video, and jokingly offering toilet paper in exchange for signatures on his nominating petitions. While this was improper under Rules 4.1(A)(9) and 4.2(A)(1) of the Code of Judicial Conduct and Formal Ethics Advisory Opinion 96-12, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to refrain from the aforementioned conduct in future elections.

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.

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

FOR OFFICE USE ONLY

2021-018

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.

_____ is a judicial candidate for the _____ County Superior Court Judge, _____ race and my opponent. He ran as a _____ in the primary and we are now in the general election. _____ has advertised that he is running as a " _____ " in his radio ads with _____ in _____. This is a non-partisan race. This appears to be an attempt to mislead the public regarding the non-partisan nature of this judicial race in violation of Judicial Canons of Ethics 4.3 (A) which prohibits a candidate from "Post[ing], publish[ing], broadcast[ing], transmit[ing], circulat[ing], or distribut[ing] information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person" and 4.3 (F) which prohibits _____ and candidate from "Misrepresent[ing] the identity, qualifications, present position, or any other fact about the judicial candidate or an opponent".

The race is non-partisan. To allow a candidate to publicly advertise his partisan position taken during the primary defeats the purpose of the race being non-partisan and also demonstrates a bias in favor of the _____ party.

In addition, _____ has advertised on his campaign materials that he is " _____ " and that he is endorsed by the _____ (See attached campaign card of _____). Further, his campaign slogan on all of his materials and signs is " _____ " which cast doubt on his independence and impartiality by suggesting his role is that of _____ rather than neutral, non-biased judge. These statements are in violation of Canon 5 (B) which states that "a candidate...shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary", and in violation of Arizona Supreme Court Advisory Opinion 96-12.

This conduct is likely to mislead the public and should be stopped immediately. _____ thumbing his nose at the non-partisan race and showing his bias in an effort to pander to the voters. This is not conduct in which a judicial candidate should be permitted to engage.

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