

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-355

Judge:

Complainant:

ORDER

The Complainant alleged a city court judge was an incompetent administrator, made improper policies and rulings, and conducted independent research.

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, reminding the judge of the duty to follow Rule 2.9(C), which states a judge shall not investigate facts in a matter independently. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: November 22, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on November 22, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-355

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.

Judge _____ was displayed intentional disregard of the law by the lack of responsibility to research new laws and implementing appropriate procedures. Rather than attending the Municipal and Justice of the Peace Presiding Judges meetings himself, he assigned administration staff. He assigned an associate judge to attend the legislation call out and then report changes and recommendation in the law. Despite the reporting and recommendation provided to Judge _____ several months prior to the effective dates of change, he failed to implement changes to policies and procedure in a timely matter. Additionally, the clerks were left with the responsibility of creating and implementing procedures and creating policies related to legislative changes after the effective date in an ad hoc basis. The judge was more concerned about personal leave by taking vacation than in implementing legislation changes. Such as changes to ARCP 4.2(a)(10) and 14.4(g) affecting the offenses requiring a 10 print; sealing of records ARS 13-911(E) the verbal and written advisement on record to defendant at time of sentencing that they may be eligible for having their records sealed, and ARCP 6.1(b) changing when an indigent defendant is entitled to a court appointed attorney, more specifically, defendants held on bond at time of initial appearance. Regarding this changes of law, he was reactive instead or proactive.

We have heard by and through prosecutors, public defenders, and court staff that judge _____ has done the following in and out of the courtroom: he has requested that our court police officer run a MVD report on a defendant prior to a hearing; threatened an attorney during a settlement conference that their defendant would get a harsher sentence if they proceed to trial and lose; told a plaintiff who was issued an Order of Protection they could personally serve an Order of Protection and it was valid service, he's failed to follow the appeal rules; he's failed to impose the JCEF fee because he thought it wasn't fair; arbitrarily did not allow defendants to attend Defensive Driving School because he thought the defendant's speed was too high; listened to defendants evidence against a victim on the defendant's cell phone during a pretrial conference; made racial slurs to a court appointed attorney and various other questionable and unprofessional behavior and decisions.

Judge _____ has been incompetent by delegating his duties as a _____ neglecting his duties as a leader, and head of the department. In an all -staff meeting, at the direction of the HR department, he was confronted with a claim of workplace harassment brought by several clerks. While addressing the issue, the Judge's body language and facial expression were defensive. He was more concerned with protecting the status quo than rectifying the issue. His reaction and behavior impaired fairness to court staff that exceed expectations. Judge _____ holds little to no competence in court knowledge, skill, or preparation to a _____ responsibilities. The majority of the judge's shortcomings are not allowing for fair and impartial system of justice. He continues to make decisions in and out of the court room that clerks recognize as incorrect, however, at his direction, staff is not allowed to bring any questionable judicial decisions to the Judge' s attention, in fact the staff has been directed to stay in their lanes. Interestingly, when the _____ does not want to complete the work or does not know how to address specific issues, he will assign his legal work to supporting staff. Hearings have been rescheduled with little to no notice to accommodate his vacations, despite the fact that the Court does not currently have any

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

Over the approximately last ten months the Court Administrator, Deputy Court Administrator, both Associate Judges, the Court Operations Supervisor and several Court Appointed Attorneys have left the organization. Due to his autocratic supervisory techniques, lack of people skills, vindictiveness, and retaliation he has driven out nearly all of these individuals who were long time loyal employees who were knowledgeable and very experienced. We are desperately requesting that you intervene in this situation before the court totally falls apart.