

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-072

Judge:

Complainant:

ORDER

June 6, 2024

The Complainant alleged improper hiring practices and retaliation by a superior court judge.

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 members Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 6, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-072

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.

Subject: Formal Complaint and Request for Investigation into Misconduct

Date:

I. Introduction:

My name is _____, the former _____ (_____) at the _____ Branch of Arizona in _____ County. I held this position for over _____ years and had been with _____ County for over _____ years. This complaint aims to shed light on the improper exercise of authority by appointed officials within the _____ Branch of Arizona in _____ County.

II. Violations and Involved Parties:

Presiding Judge _____ alleged to have violated Arizona Legislation "41-753F" and the "Arizona Code of Judicial Conduct" by influencing and showing favoritism in the selection process for an administrative position and using their political influence to terminate my employment.

III. Circumstances Leading to Termination:

The complaint details the selection process for the _____ position, highlighting concerns about the fairness of the process and potential pre-determination. It also discusses the re-opening of the position for specific candidates and the subsequent events leading to my termination on _____.

IV. Legislative Violations:

The complaint outlines the specific violations committed by Judge _____ citing relevant Arizona Legislation and the Code of Judicial Conduct. It emphasizes the impact on public confidence, the alleged lack of fairness, and the misuse of authority for personal interests.

V. Background on _____ Assessment:

Details are provided regarding a _____ assessment in _____ recommending organizational changes within the IT department. It highlights deviations from _____ proposed plan, which allegedly impacted the selection process for key positions.

VI. Tactics to Provoke Negative Responses:

The complaint discusses actions taken to provoke negative responses, including characterizations of the complainant as an ineffective leader. It outlines deliberate attempts to create a negative narrative about the complainant and set them up for failure.

VII. Requested Action:

The complainant requests an investigation by the Arizona Commission on Conduct into the alleged abuse of official position by Judges _____. Additionally, protection from retaliation and negative consequences for the complainant and family is sought.

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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.

VIII. Conclusion:

The complaint concludes by summarizing the alleged violations, expressing hope for a fair investigation, and thanking the recipient for their time and consideration.

Judicial Officers and Staff in violation, accomplice, or witness to violations:

- Presiding Judge - violator
- Judge - violator
- Judge - violator
- Court Administrator - accomplice
- Deputy Chief Information Officer - witness -
- Deputy Chief Information Officer - accomplice
- Deputy Chief Information Officer - accomplice
- Business Services Division Manager - witness -
- Human Resources Director - witness
- Human Resources Manager - accomplice
- Deputy Court Administrator - accomplice
- Juvenile Court Administrator - witness
- Data Integrity and Analytics Manager - witness
- Senior Business Analyst - witness -

Additional documentation is included with more detail leading to my termination and complaint.

1. Complaint_of_Judicial_Misconduct_ pdf
2. Case for Misconduct.pdf
3. DCIO-ServiceManagement-Concerns.pdf
4. Unclassified Release - pdf
5. Complaint Form - Judge (i.pdf
6. Complaint Form - Judge ().pdf
7. Complaint Form - Judge ().pdf
8. Formal Complaint - Judges (i.pdf

Subject: Formal Complaint Regarding Judicial Misconduct

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

Dear Members of the Arizona Commission on Judicial Conduct,

I am writing to formally submit a complaint against Judges _____ and Presiding Judge _____ for misconduct regarding the selection process for the _____ position on _____, and subsequent events leading to my termination on _____.

Summary of Complaint

Unfair Treatment and Retaliation:

I participated in panel interviews where it was agreed by appointed officials and _____ Branch staff that external candidate _____ was the most qualified for the position.

I documented the proceedings and sought verification from the panel through email, leading to unjustifiable verbal assaults from Judges _____ and _____

I later faced disciplinary action from Court Administrator _____, and this incident marked the beginning of targeted retaliation against me.

Unlawful Acts:

Judges _____, and Presiding Judge _____ allegedly violated Arizona Legislation "41-753f - Unlawful acts; violation; classification" and "Arizona Code of Judicial Conduct -Rule 1.2.Promoting Confidence in the Judiciary, Rule 1.3.Avoiding Abuse of the Prestige of Judicial Office, Rule 2.1.Giving Precedence to Judicial Duties, Rule 2.3.Bias, Prejudice, and Harassment (A)(B), Rule 2.5.Competence, Diligence, and Cooperation (B), Rule 2.12Supervisory Duties (A)(B)(C), Rule 2.13.Administrative Appointments (A), and Rule 3.1.Extrajudicial Activities in General (C)(D) by participating, using their influence, and showing favoritism in the selection process for an administrative position, and using their political influence or position to terminate my employment.

Disregard for Panel Recommendations:

Despite _____ different panels expressing concerns about internal candidate _____ qualifications, Judge _____ and Court Administrator _____ proceeded to offer _____ the _____ position.

Violation of Legislation:

The termination allegedly occurred because of my attempt to ensure clarity in the panel's recommendation, leading to a violation of Arizona Legislation "41-753f."

Requested Action:

I kindly request the Arizona Committee on Judicial Conduct thoroughly investigate the alleged misconduct and take appropriate actions if the claims are substantiated. This may include reviewing the panel's recommendations, examining the circumstances leading to my termination, and ensuring compliance with relevant legislation and Judicial Code of Conduct.

I appreciate your attention to this matter and trust that the committee will conduct a fair and impartial investigation.

Sincerely,

Complaint, Case, and Timeline for Misconduct by Judicial Officers and Court Administration Staff

Requesting Investigation into Misconduct Allegations by

I. Introduction:

- My name is _____ and I recently held the role of _____ (_____ at the _____ Branch of Arizona in _____ County. Some of my responsibilities included leading Infrastructure and Operations teams, aligning IT projects with _____ Branch strategic goals, and accounting for all IT software and hardware assets, as well as minimizing security risks and attacks. I had been employed at the _____ Branch for over _____ years and with _____ County for over _____ years.
- The intent for this complaint is to bring to light the improper exercise of authority by appointed officials within the _____ Branch of Arizona in _____ County.

II. Violations and Involved Parties:

- Judges _____, _____, and Presiding Judge _____ violated Arizona Legislation "41-753f - Unlawful acts; violation; classification" and "Arizona Code of Judicial Conduct -Rule 1.2.Promoting Confidence in the Judiciary, Rule 1.3.Avoiding Abuse of the Prestige of Judicial Office, Rule 2.1.Giving Precedence to Judicial Duties, Rule 2.3.Bias, Prejudice, and Harassment (A)(B), Rule 2.5.Competence, Diligence, and Cooperation (B), Rule 2.12Supervisory Duties (A)(B)(C), Rule 2.13.Administrative Appointments (A), and Rule 3.1.Extrajudicial Activities in General (C)(D) by participating, using their influence, and showing favoritism in the selection process for an administrative position, and using their political influence or position to terminate my employment.

III. Circumstances Leading to Termination:

- In the second and third quarters of _____, the position of _____ was open for internal and external candidate recruitment. The position was closed for recruitment in _____. However, the position was re-opened for _____ extra days to allow internal employee _____ to apply for the position.
- Human Resources reviewed the resumes and selected candidates that met the criteria for the _____ role. The passing candidate resumes were made available and reviewed by myself, Deputy Chief Information Officer _____, Business Services Division

**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.**