

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-243

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace improperly violated attorney-client privilege, threatened sanctions, negotiated pleas, and failed to rule timely.

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 used a disclosure rule to threaten sanctions against an attorney. While this was improper under Rules 1.1, 2.2, and 2.5(A) of the Code of Judicial Conduct, 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 comply with the law, uphold and apply the law, perform duties of the judicial office fairly and impartially, and perform judicial duties competently.

Commission members Roger D. Barton and Colleen E. Concannon did not participate in the consideration of this matter.

Dated: April 2, 2025

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on April 2, 2025.

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.

I. Introduction

This memorandum serves to formally lodge a complaint against Judge _____ for multiple violations of the Arizona Code of Judicial Conduct. The actions detailed below highlight serious concerns regarding the integrity, fairness, and competence exhibited by Judge _____ in the performance of judicial duties.

II. Summary of Allegations

Requesting to Violate Attorney-Client Privilege
Threatening Attorneys Over Nonexistent Disclosure Rules
Improper Termination of Plea Agreements
Inducing Defendant to Waive Time Without Legal Basis
Delaying Time Served Plea Deals and Denying Release Without Just Cause
Refusal to Rule on Motions in a Timely Manner

III. Detailed Allegations

Requesting to Violate Attorney-Client Privilege (Canon 1, Rule 1.1)

On _____, in case _____ involving _____, Judge _____ ordered the _____ to go over a plea with the court interpreter in a jail setting even though this could violate attorney-client confidentiality. This order not only jeopardized the client's right to confidential legal counsel but also led to threats of sanctions against me for refusing to comply.

Threatening Attorneys Over Nonexistent Disclosure Rules (Canon 2, Rule 2.2)

During the same case, Judge _____ threatened sanctions based on an alleged disclosure rule that does not exist. When confronted by _____, the judge threatened additional consequences" if further research was necessary to clarify the rules. This was a clear attempt to intimidate for requested clarification of the rules. This behavior undermines judicial impartiality and fairness.

Improper Termination of Plea Agreements (Canon 2, Rule 2.2)

In case _____ involving _____ Judge _____ arbitrarily threw out a plea agreement without proper grounds, modifying the plea to essentially the exact same terms, though negotiated with the judge and the county attorney on the record. This pattern of behavior was repeated on _____, with another plea agreement involving _____, indicating a disregard for proper legal procedures.

Inducing Defendant to Waive Time Without Legal Basis (Canon 2, Rule 2.5(A))

On _____, in case _____ involving _____, Judge _____ induced the defendant to waive time at the initial appearance without a valid legal reason, likely through manipulation or misinformation. This undermined my ability to negotiate release conditions as the defendant was past 10 days. This action compromised the defendant's legal rights and due process.

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.

Delaying Time Served Plea Deals and Denying Release Without Just Cause (Canon 2, Rule 2.5(A))
Judge _____ has a recurring practice of delaying court dates for in-custody defendants with time-served plea deals and denying release or motions to accelerate change of pleas for clients with no jail plea offers. Specific instances include cases _____ involving _____ and _____ involving _____. These delays and denials lack reasonable justification and hinder the timely administration of justice.

Refusal to Rule on Motions in a Timely Manner (Canon 2, Rule 2.5(A))
In case _____ involving _____, Judge _____ has refused to rule on a motion to dismiss filed on _____, for a DUI charge that violates the statute of limitations. Additionally, Judge _____ regularly delays responding to motions to continue until the last minute, often denying them unreasonably. This conduct obstructs the legal process and impairs defense efforts.

IV. Violations of the Arizona Code of Judicial Conduct

- Canon 1, Rule 1.1: Compliance with the Law
- Canon 1, Rule 1.2: Promoting Confidence in the Judiciary
- Canon 2, Rule 2.2: Impartiality and Fairness
- Canon 2, Rule 2.5(A): Competence and Diligence
- Canon 2, Rule 2.6(A): Right to be Heard
- Canon 2, Rule 2.8(B): Decorum, Demeanor, and Communication
- Canon 2, Rule 2.9(A): Ex Parte Communications

V. Conclusion

The conduct exhibited by Judge _____, as detailed in this memorandum, raises serious concerns about his adherence to the Arizona Code of Judicial Conduct. Additionally, it is rumored that Judge _____ was denied admission into the _____ for potential questions of his fitness or ethical behavior. This raises the question, in conjunction with this behavior I have observed, if he was indeed not found fit to be an attorney, then is he fit to be a judge. I implore this board to investigate the reasons to his possible denial into the _____

I have been a licensed attorney since _____ in the state of _____ and was recently admitted to the _____. Additionally, I served in the _____ as a _____ for _____. In my brief tenure of less than _____ working with Judge _____, I have witnessed numerous instances of conduct that deeply concern me. I have never before filed a complaint against any judge or attorney. I understand that bringing this complaint may adversely impact my career and standing among other judges in such a small community; however, I firmly believe it is my ethical duty to report such egregious conduct. Such conduct not only violates defendants constitutional rights, but jepordizes the ability to sucessfully prosecute cases.