

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 17-010

---

Judge: Jimmie Hernandez  
Complainant: Commission on Judicial Conduct

---

**ORDER**

The Commission initiated an investigation of Judge Hernandez after receiving a report that alleged he engaged in conduct that violated the Maricopa County Electronic Communications Policy. Judge Hernandez admitted his conduct violated that policy, as well as Rules 1.1 and 1.2 of the Code of Judicial Conduct.

Based on Judge Hernandez's resignation from office and his agreement with the Commission that he will never again seek or accept a position involving service as a judicial officer in Arizona, the Commission decided to take no further action in this matter and closed its file. Should Judge Hernandez fail to abide by his agreement to never again seek or assume a judicial office in Arizona, the Commission will file formal charges against him and/or seek injunctive relief to enforce the terms of the agreement.

Accordingly, the Commission's file in this matter is closed pursuant to Rule 23.

Commission members Gus Aragon and George Foster did not participate in the consideration of this case.

Dated: May 15, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on May 15, 2017.

*This order may not be used as a basis for disqualification of a judge.*

April P. Elliott (Bar # 016701)  
Disciplinary Counsel  
Arizona Commission on Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, AZ 85007  
Telephone: (602) 452-3200  
Email: *aelliott@courts.az.gov*

**STATE OF ARIZONA**  
**COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning	)	
	)	Case No. 17-010
<b>Judge Jimmie Hernandez</b>	)	
Downtown Justice Court	)	<b>STIPULATION</b>
Maricopa County	)	
State of Arizona	)	
	)	
Respondent	)	

---

Judge Jimmie Hernandez, Respondent, through his attorney, Daniel R. Ortega, and April P. Elliott, Disciplinary Counsel for the Commission on Judicial Conduct (“Commission”), hereby stipulate as follows:

**JURISDICTION**

1. The Commission has jurisdiction over this matter pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent began his service as a justice of the peace in Maricopa County, Arizona in 2011, and he has continued to serve in that capacity.
3. As a justice of the peace when the alleged misconduct occurred, Respondent was and is subject to the Code of Judicial Conduct (“Code”) as set forth in Arizona Supreme Court Rule 81.

## **BACKGROUND**

4. On or about January 9, 2017, the Commission initiated an investigation against Respondent after receiving a report that Respondent engaged in conduct that violated the Maricopa County Electronic Communications Policy. Respondent was given notice of the allegations, and submitted a written response, through counsel, to the Commission.

## **MUTUAL CONSIDERATION**

5. Respondent admits that his conduct violated the Maricopa County Electronic Communications Policy, and violates Rules 1.1 and 1.2 of the Code.

6. The parties agree that resolving this matter by stipulation is in their mutual best interests and in the best interests of the judicial system and the public.

## **AGREED UPON DISPOSITION**

7. Respondent agrees to immediately submit to the Maricopa County Board of Supervisors his resignation as justice of the peace. The resignation shall be effective May 12, 2017.

8. Respondent agrees not to seek or accept a judicial appointment of any type, not to run for an elective judicial office, or serve in any judicial capacity<sup>1</sup> in the State of Arizona at any time on and after the date he signs this agreement.

---

<sup>1</sup> The parties agree that not serving in any judicial capacity encompasses the definition of “Judge” in the Code of Judicial Conduct, which states: “Judge” means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, court commissioner, special master, hearing officer, referee, or pro tempore judge.

9. Respondent specifically acknowledges this stipulated resolution does not deal with or resolve complaints raising allegations not already a part of an open Commission case or investigation as of the date this stipulation is signed by Respondent.

10. The Commission agrees that upon the approval of this agreement by the parties and the Commission, this matter shall be closed. The Commission will post a dispositional order concerning the approval of this stipulation and this stipulation on its website. A formal complaint charging Respondent with the foregoing ethics violations will not be filed or pursued by the Commission unless Respondent breaches the terms and conditions of this agreement as outlined in paragraph 12.

11. Disciplinary Counsel acknowledges Respondent and his counsel's cooperation with the Commission in the negotiation of this stipulated resolution.

#### **OTHER TERMS AND CONDITIONS**

12. In the event Respondent fails to comply with the terms and conditions of this agreement by seeking appointment or election to a judicial office or serving as a judge in Arizona, the Commission may pursue this case and bring formal charges, by giving Respondent written notice of its intention to do so, and the matter will proceed to hearing pursuant to the Commission's rules. Respondent waives any and all claims concerning delay or other irregularities in the Commission so doing.

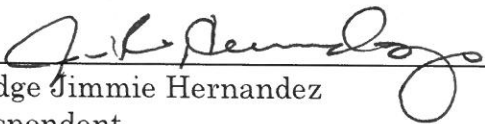
13. In the event Respondent fails to comply with the terms and conditions of this agreement by seeking appointment or election to a judicial office or serving as a judge in Arizona, the Commission may also seek injunctive relief enjoining

Respondent from engaging in conduct in breach of the terms and conditions of this agreement.

14. Both parties will pay their own costs and attorney's fees associated with this matter.

15. Respondent understands the terms and conditions of this agreement, has reviewed them with his legal counsel, and fully agrees to and will abide by them.


16. This agreement constitutes the complete understanding between the parties in the resolution of this matter.

  
\_\_\_\_\_  
Judge Jimmie Hernandez  
Respondent

4-14-17  
Date Signed

  
\_\_\_\_\_  
Daniel R. Ortega  
Attorney for Respondent

4-14-17  
Date Signed

  
\_\_\_\_\_  
April P. Elliott, Disciplinary Counsel  
Commission on Judicial Conduct

4/14/17  
Date Signed