

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-047

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge conducted improper independent investigations and made improper comments about those likely to appear before him.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found the judge engaged in improper independent investigations and made improper comments about individuals likely to appear before him. While the foregoing was improper under Rules 1.1, 1.2, and 2.9(C) of the Arizona Code of Judicial Conduct, the Scope Section of the Code provides that it is not intended that 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 Rules 16(b) and 23(a), but to issue a warning letter to the judge to avoid making derogatory comments about individuals likely to appear before him to avoid any appearance of impropriety, and to refrain from conducting any improper independent investigations. Should the commission receive allegations of similar conduct occurring in the future that are substantiated, public discipline may result.

Commission member Art Hinshaw did not participate in the consideration of this matter.

Dated: August 22, 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 August 22, 2017.

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

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

2017-047

To whom it may concern,
In [redacted] I was the [redacted] I had
been serving in that capacity for [redacted] In [redacted] I tendered my notice to the [redacted]
[redacted] that I would not be seeking another [redacted] to the position, according to the
terms of my contract.
My replacement, [redacted] was hired in early [redacted] and I began the training
process. I have known [redacted] for [redacted] as we both had connections to the [redacted]
and I with the [redacted]

On one day, [redacted] told me of a [redacted] in which he had been involved as a [redacted] and
[redacted] was [redacted] of an [redacted] living in the [redacted]
frequently searched [redacted], including the website maintained by [redacted] in an
effort to stay on top of [redacted] He was cautioned many times on his
activities and told it was a bad idea to be [redacted]
[redacted] had, on [redacted] come into contact with an [redacted]
apparently because of a [redacted] true name is [redacted]
During [redacted] I told him that he could not [redacted] in
a [redacted] since he was now part of [redacted] and [redacted] could be
considered unethical. I strongly suggested he avoid searching the [redacted] databases for the same
reason.

One day, [redacted] told me that he had been [redacted] who had
allegedly been contacted by [redacted] whom they accused of [redacted] of one of the two
parties.
I instructed [redacted] to have the alleged [redacted] and file a report
with them. [redacted] told me he had done that in the past, and that [redacted] was aware of the

A [redacted] later, the alleged [redacted] came into
the court and asked for an injunction against [redacted] The [redacted] told me that they had been
instructed to [redacted] After reviewing the petitions, I

Within a [redacted] who is a [redacted]
[redacted] called and told [redacted] that [redacted] was living in the [redacted] and had been arrested
and was currently being held [redacted]
[redacted] told the plaintiffs about the arrest, and made arrangements to have the order sent to
and have [redacted] see that the order was served. As far as I know, the order was
served on the defendant.

I told [redacted] on more than one occasion that he had to leave his [redacted] was
unethical and he must, at all times remain neutral and unbiased.
On/about the [redacted] when [redacted] was sworn in as [redacted] I became a
[redacted] pursuant to an agreement with [redacted]
agreeing to fill in as necessary for [redacted]

On [redacted] I went to the [redacted] court to sign some recusal orders for the court. When I met with [redacted] and his [redacted] the first thing [redacted] told me was that [redacted] was back in town and had been seen by another of [redacted] in a [redacted] allegedly alerted the [redacted] and one of the [redacted] located and issued a traffic ticket to [redacted] citing him into the [redacted] court under [redacted] asked me if he should initial [redacted] and then recuse himself. I told him to recuse now and assign the entire proceeding to another judge so as not to contaminate the case. (I am not sure I have been/will be assigned). I again told [redacted] that he cannot continue [redacted] alleged incident, nor should he continue to [redacted] I also told him that a [redacted] and consequences could occur, including a complete dismissal of charges.

Here is a little background on [redacted]

First and foremost, I am not out to get my position back, or to have [redacted] removed. I think what I am about to tell you will explain how this has come about. [redacted] worked for the [redacted] for more than [redacted] During his tenure, he had been disciplined [redacted] about [redacted]

[redacted] He believes he can still read [redacted] in his court to give him an insight on how a defendant should be sentenced. He has been told NOT to [redacted]

He also cannot specifically direct a victim to seek court protection from an accused for an alleged incident. [redacted]

[redacted] left the [redacted] under less than desirable circumstances. He and the [redacted] are not on good terms, nor is he on good terms with some of [redacted] has on more than one occasion, called one specific [redacted] He refers to several of [redacted] he knows. [redacted] have asked that [redacted] in his court be heard by another judge. I have cautioned [redacted] more than once that he [redacted]

[redacted] seems intent on not changing his habits, and I have told him more than once that he [redacted] At least [redacted] has told him the same thing; that he [redacted] He insists he is acting within his rights as a citizen, even though he has been told that [redacted]

Again, my only intent is to have [redacted] put on notice that he must not [redacted] and that the judiciary must, at all times, remain neutral.

As far as is permissible, I would like this to remain anonymous. I still [redacted] and would like to continue to have [redacted] However, I am willing to submit to an interview if necessary, and if my name has to be attached to this as a complainant, I have no qualms. I believe this issue needs to be addressed.