

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-229

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Judge:

Complainant:

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**ORDER**

A pro tem justice of the peace self-reported that he had committed an ethics violation.

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 improperly telephoned a relative about a potential warrant before it had issued, thus allowing the individual to cure the failure to appear before the warrant issued. While this was improper under Rules 1.2, 1.3, 2.4(B), and 2.9(A), the Scope Section of the Code of Judicial Conduct 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 refrain from abusing the prestige of judicial office, allowing family relationships to influence his conduct, and engaging in ex parte communication, all of which give rise to an appearance of impropriety.

Commission members Roger D. Barton, Peter J. Eckerstrom, and Diane M. Johnsen did not participate in the consideration of this matter.

Dated: November 13, 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 November 13, 2017.

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

2017-229

**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.

My name is \_\_\_\_\_ I am a \_\_\_\_\_ in the \_\_\_\_\_  
I am self reporting to the Arizona Commission of Judicial Conduct, for  
what I think was an 'ethics violation' committed by me, on \_\_\_\_\_ while acting in the capacity of  
a \_\_\_\_\_ in the \_\_\_\_\_ Court.

On \_\_\_\_\_ while \_\_\_\_\_ Court, I was  
reviewing and signing motions, writs, stipulated judgments, osc's and arrest warrants, between the courts  
scheduled bench trials. At approximately \_\_\_\_\_ I reviewed an FTA Arrest Warrant for  
named \_\_\_\_\_ The charge was for the violation of ARS: 4-244.9, Liquor-Minor  
Possession, allegedly committed on \_\_\_\_\_ at the \_\_\_\_\_ The  
Misdemeanor complaint was issued by \_\_\_\_\_ The Defendant,  
\_\_\_\_\_ had failed to appear as ordered for her arraignment, thus the FTA Arrest Warrant was to be  
issued.

I took a deep breath when I realized the Defendant, \_\_\_\_\_ was  
Realizing I had to recuse myself, I was still very concerned. I had last seen and spoke with \_\_\_\_\_ over  
\_\_\_\_\_ and had not had the opportunity to contact or see \_\_\_\_\_ since last

I could not understand why \_\_\_\_\_ had not appeared for \_\_\_\_\_ arraignment as ordered. I made the decision to  
call \_\_\_\_\_ and told him briefly that \_\_\_\_\_ had not appeared \_\_\_\_\_ Court  
as ordered, for \_\_\_\_\_ arraignment for a Misdemeanor Criminal charge, of a Minor Possessing Liquor.  
\_\_\_\_\_ was surprised, as I had been, and said \_\_\_\_\_ had know knowledge of this. I asked \_\_\_\_\_ to call \_\_\_\_\_ and tell  
\_\_\_\_\_ had to report \_\_\_\_\_ Court today, for \_\_\_\_\_ criminal arraignment, which \_\_\_\_\_ had  
not appeared for, as ordered.

At \_\_\_\_\_ I was presiding over \_\_\_\_\_ when I observed \_\_\_\_\_ enter the court room and take a  
seat \_\_\_\_\_ A \_\_\_\_\_ the eviction case was settled, and, before I called the next case, the  
Plaintiffs attorney, asked for \_\_\_\_\_ to discuss that case with both his client and the Defendant. As  
they stepped out the court room, I left the bench, without acknowledging \_\_\_\_\_ who was still seated  
\_\_\_\_\_ I \_\_\_\_\_ spoke with \_\_\_\_\_ in  
Judge \_\_\_\_\_

I informed \_\_\_\_\_ about what had transpired in the last \_\_\_\_\_ FTA Arrest Warrant, my  
calling \_\_\_\_\_ and that \_\_\_\_\_ was now in the court room. At my request,  
I immediately asked Judge \_\_\_\_\_ who was the \_\_\_\_\_ in the \_\_\_\_\_ if  
\_\_\_\_\_ would preside over the arraignment of \_\_\_\_\_ did not discuss the case with Judge \_\_\_\_\_ and  
Judge \_\_\_\_\_ heard the arraignment of \_\_\_\_\_ in the \_\_\_\_\_ I was not present in the court and  
was not privy at any time to \_\_\_\_\_ arraignment and have not discussed this matter with \_\_\_\_\_ or contacted  
\_\_\_\_\_ or

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
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Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

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I have thought this matter over many times, was I wrong calling \_\_\_\_\_ and having \_\_\_\_\_ appear in court that day to be arraigned before the warrant was issued? Should I have just left the Arrest Warrant on Judge \_\_\_\_\_ desk for \_\_\_\_\_ to issue \_\_\_\_\_? Should I have discussed this issue openly with another Judge, if a Judge was available \_\_\_\_\_, and would I have put that Judge in a position to have to recuse?

I am self reporting my actions, which could be considered an ethical violation, on my part in this matter, to the Arizona Commission of Judicial Conduct for your decision.

Respectfully submitted,