

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-244

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace abdicated his responsibility for making rulings to his clerks.

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 no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter to be cautious about an appearance of impropriety through the widespread use of a signature stamp so as not to violate Rules 1.1, 1.2, 2.5, and 2.7 of the Code. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 11, 2018

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 11, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-244

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.

To Whom it May Concern,

I come today to address the commission on conduct that to me violates the Code of Judicial Conduct. I _____ under the Code of Conduct for Judicial Employees, I have a duty to report what I believe to be a violation of judicial conduct. These actions first came to my attention in _____ of _____ I have _____

_____ the behavior continues. I have also asked for an unofficial opinion from the Ethics Advisory Committee in regards to my concerns with this matter. I have _____

When a Judge is elected or appointed to the bench, there is an expectation that the Judge will carry out their duties to the best of their ability. It is presumed that every party to a case is heard and proper due process is given to all matters that come before the court. With that said, this Judge has delegated his authority to his assigned clerks. His _____ clerk has and continues to grant motions along with judgments using the judges' signature stamp. I would like to make a point that I am not arguing the legality of the stamp itself, as I know that that question is beyond the purview of this commission. What my complaint centers on is the fact that the judge is not reviewing the file before making a decision on motions or on judgments. This has become a concern as of _____ in particular as other clerks were less comfortable with using the judge's signature stamp. What will happen is the plaintiff will file their judgment and the clerk, without reviewing the file, will affix the judges' signature via his signature stamp to the judgment making it a legal judgment without the judge even seeing the complaint, let alone any other pleadings that may be in the case. This is done as _____ has made it clear to his clerks that he does not want to see the files. No matter how well-trained the clerk may be, the authority of granting judgments should be given to judges alone, as they were the ones elected or appointed by the citizens. To do otherwise would degrade the judiciary as a whole as the citizens who expect that a judge is ruling on a case is being decided by a clerk. This judge, in my opinion, has shown a pattern of behavior that is consistent with attempting to avoid the duties of his office, which is inconsistent with the Code of Judicial Conduct.

The _____ clerk is not the only one making judicial decisions utilizing the signature stamp. _____ clerk has also written minute entries removing fines, waiving mandates, and utilizing the signature stamp at the direction of the judge to prevent the judge from having to see the file at all. This is being conducted by _____ from the same court at the suggestion of _____. To me, this kind of practice compromises the authority of the court as punitive measures that were levied by a judge should only be able to be removed by a judge.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017 - 244

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.

Judge _____ clerks act at his request. An interesting point to this is the other _____ judges that are on this court each have a signature drawer near their chambers for files that are in need of the judges' signature. _____ has no such drawer as he does not require one with his clerks utilizing his signature stamp for most of his decisions. As a member of the courts I feel that a clerk can recommend action to the judge however the judge should be making the final decision on all of these cases.