

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-328

Judge:

Complainant:

ORDER

A superior court judge self-reported accessing her family member's court files from her court computer, with the family member's consent, including reviewing a restricted document in a restricted case. The judge was also allegedly intimidating to court staff.

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 evidence of violations of Rules 1.2, 1.3 and 3.1(E) where the judge used her court computer to access her family member's court files, including accessing a restricted case. While this was improper under Rules 1.2, 1.3 and 3.1(E), 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 that she avoid abusing the prestige of office by using her position to obtain access to files not otherwise available to the public.

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: March 21, 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 March 21, 2018.

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

to them, but I do not find it appropriate to ask them for their statements. I am sure the commission can obtain their statements if there is a need to investigate this issue further.

Third, it seems that the real focus of the concern is that I accessed a sealed document in files regarding . The compares my access to this document to an incident in in which staff members of the had inappropriately reviewed sealed documents in a . I do not believe that these issues are remotely similar. However, if I abused my discretion in reviewing these documents, I will take note in the future. The truth of the matter is that I did so because, during assisting , I discovered the was inappropriately emailing individuals in these types of cases rather than waiting until the moving party has served the non-moving party. I talked with some of my fellow judges and they confirmed that they had observed in many files that the had in fact done the same in other files. I went into the sealed document to make sure the and the order had been filed correctly in ; case to complete the research I needed to bring to the ; attention the improper procedure being followed by staff so that could correct the situation from happening in the future. I did not open the document to obtain information that I was restricted from having as the did in the I have . I did not need to open a sealed record for the purpose of getting . In addition, had given me permission to access anything in her files. (See Attached letter from)

Simplified, the question is: 1.) Did I violate any judicial ethics by accessing from my computer information that is available to the public or sealed if I had permission from the party?

If so, I am reporting this to the commission and apologize for any wrong doing. Rather or not it is a violation, I will not use my computer program in the future to look at files but will instead have the Court Clerk pull the file for my review.

Thank you for your review of this matter.

Sincerely,