

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-189

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge improperly failed to disqualify himself from an election case, engaged in inappropriate demeanor, and made misleading statements in an application for a position on a higher court.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding him that Rule 2.11(C) of the Code of Judicial Conduct requires that the judge afford the litigants and their counsel an opportunity for discussion outside the presence of the court when disclosing a potential basis for disqualification. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Roger D. Barton, Colleen E. Concannon and George H. Foster, Jr. did not participate in the consideration of this matter.

Dated: September 23, 2019

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on September 23, 2019.

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6(b). List of Attorneys Who Appeared in Case

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CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-189

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.

See attached.

violations under the applicable ACJC rules where Judge [redacted] presided over the case of [redacted]. Judge [redacted] was appointed to the bench in [redacted] and sat as the [redacted] (Appendix 1). Judge [redacted] was a judge for [redacted] and sat on the bench of the [redacted] (Appendix 2). Judge [redacted] was a [redacted] Judge of the [redacted] of [redacted] for [redacted] (Appendix 3). [redacted] veteran judges with varied backgrounds independently reached the same conclusion: Judge [redacted] violated the ACJC in multiple ways and at multiple times.

As to section (c) above, Judge [redacted] just recently on [redacted] submitted his application to be considered for a position at [redacted] (“Application”, Appendix 4) and therefore I have not yet obtained judicial expert opinions as to Judge [redacted] misconduct in connection with his Application.

I am mandated to file this complaint pursuant to the Commission on Judicial Conduct Rules (“CJCR”), rules 6 and 20, in order to protect the citizens of Arizona, preserve judicial integrity and comply with my obligations under Ethical Rule 8.3(b).¹

¹ Judge [redacted] will be provided a copy of this complaint pursuant to CJCR Rule 9. Therefore, he will have actual notice of the defects in his Application that obviously were intended to mislead the public and Commissioners who will review his Application and

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**