

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-199

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge improperly failed to disqualify himself from an election case and engaged in inappropriate demeanor.

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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2019-199

To: Arizona Commission on Judicial Conduct

From:

Honorable Commission Chair and Commissioners:

As a veteran, who has served in the protection of our people and country, it is without a doubt a travesty that the Commission on Appellate and Trial Court Appointments is considering the appointment of Judge \_\_\_\_\_ to the high bench of the Arizona Court of Appeals. The Arizona Commission on Judicial Conduct should be punishing Judge \_\_\_\_\_ for misconduct instead of the Commission on Appellate and Trial Court Appointments considering giving \_\_\_\_\_ a promotion.

In my witness of Judge \_\_\_\_\_; conduct on the bench concerning the \_\_\_\_\_ the demeanor and unprofessional antics of this sitting judge is reprehensible to say the least. For example, the use of the term " \_\_\_\_\_ " in providing an example of justification involving a ruling by Judge \_\_\_\_\_ on \_\_\_\_\_, is extremely unprofessional and causes citizens to lose confidence in the conduct of this judge. The referenced case involves the \_\_\_\_\_ by the \_\_\_\_\_ In Court, Judge \_\_\_\_\_ stated:

The mere fact that a Judge would not consider that the fact finding of the process of \_\_\_\_\_ involving the purple cloth value of our country's most protected right of the vote, is astounding to say the least. I, as a veteran who served to protect this unquestionable right of the vote, views Judge \_\_\_\_\_ actions as controversial to the protection to the Bill of Rights. Also noting that my oath to my country as a \_\_\_\_\_ who rose my right hand in my enlistment to the military service stating:

As this Honorable Commission well knows, this oath is held with high honor to the men and women in uniform service. It is this simple oath that commits them to service, freely. We protect against our enemies, foreign and domestic with undoubtable true faith and unquestionable allegiance. I have grave concerns with Judge [redacted] thought process and protection of this God given right of the vote!

During [redacted] judicial process, through the media ( [redacted] ) and political blogs, it became known that Judge [redacted] had a conflict of interest of unquestionable fact. As I recall, [redacted] made a somewhat shallow comment concerning this conflict of interest. Counsels of record took as fact this disclosure of the conflict of interest, allowing for the honor of the judicial robe and its integrity to be recognized. However, after some discovery, it was learned that Judge [redacted] had insurmountable conflicts of interest, very well known to Judge [redacted] at the time of his ruling and that non-objection of counsel of record before the court.

As a [redacted] of a [redacted], a [redacted] and now [redacted]  
: on [redacted] as well as a [redacted]

It is without question, that the age old cliché "In politics, there is no such thing as a coincidence," has found its ground in Judge [redacted] bench rulings as well as the non-disclosure of many occasions of political conflicts of interest.

For instance, Judge [redacted], became the [redacted] of [redacted] who shared [redacted] with [redacted] also endorsed the campaign of [redacted] is the [redacted] the plaintiff that moved to challenge the [redacted] and requested attorneys' fees. Judge [redacted] had a legal partnership with the [redacted] Judge [redacted] did not consider any of these to be conflicts of interest. A [redacted] of the party in question, who Judge [redacted] practiced with in the nature and integrity of the court and the law. This in itself shows the lack of proper judicial conduct, integrity and judicial process that Judge [redacted] factually failed to recognize.

It is well know, if it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck. In the case of Judge [redacted], he most definitely left blinders on. The honorable and esteemed [redacted] surely cannot suffer the feathers of a blind duck, when friends and family relations are not seen as a conflict of interest. The Commission on Judicial Conduct must make a full investigation of Judge [redacted] behavior on the bench to help inform the Commission on Appellate and Trial Court Appointment about the danger of giving Judge [redacted] name to the Governor.

I therefore request that the Honorable Arizona Commission on Judicial Appointments most definitely not consider the appointment of Judge [redacted]. In addition, I request that the Arizona Commission on Judicial Conduct investigate Judge [redacted] for his lack of honesty, fairness and integrity. As a veteran and individual who has suffered in the judicial process due to political manipulation, Judge [redacted] is an example of what I have fought to defend against. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution took effect in 1868 and provides "nor shall any State [...] deny to any person within its jurisdiction the equal protection of the laws."

RESPECTUFLY SUBMITTED this