

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-269

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Judge:

Complainant:

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**ORDER**

January 27, 2021

The Complainant alleged a judicial officer gave an improper interview about prior judicial discipline.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Michael J. Brown, Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 27, 2021.

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Pursuant to Rule 2.15 of the Arizona Code of Judicial Conduct and the Guidelines for Reporting Judicial Misconduct (Advisory Opinion 03-03, Reissued November 7, 2003) I believe I am mandated to report actions of Judge \_\_\_\_\_ to the Commission.

As the Commission is aware, Judge \_\_\_\_\_ was issued a \_\_\_\_\_ for violating Rule 1.2 and Rule 2.11 of the Code of Judicial Conduct on \_\_\_\_\_ On \_\_\_\_\_ the \_\_\_\_\_ about Judge \_\_\_\_\_ judicial complaint and issues related to the judicial complaint. Judge \_\_\_\_\_ granted a face-to-face interview with the reporter who wrote the Article. Judge \_\_\_\_\_ also posed for a picture in her judicial robes and in her courtroom that accompanied the Article.

The Article came out soon after Judge \_\_\_\_\_ public reprimand become “public” on the Commission’s website. There is a reasonable perception that Judge \_\_\_\_\_ derogatory statements in the Article are in retaliation for \_\_\_\_\_ judicial complaint that led to the Commission’s public reprimand

Finally, the interview was given shortly before

I believe granting the interview, posing for the picture, and the statements Judge \_\_\_\_\_ made in the Article violate Rule 1.2, Rule 1.3, Rule 2.8, Rule 2.5, and Rule 2.4. Based on Administrative Order 03-03, I believe I am mandated to report this conduct because (1) failing to do so would erode professional standards in our community, Judge \_\_\_\_\_ (2) conduct involves the integrity of the judiciary, (3) affects the actual or perceived fairness and impartiality of a previous criminal case, (4) threatens to affect the reputation of the entire judiciary, and finally (5) Judge \_\_\_\_\_ repeated conduct she was recently reprimanded for by the Commission.

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I sent an e-mail to Judge \_\_\_\_\_ on the morning of \_\_\_\_\_ after the investigation was completed (a copy of the e-mail is included in the packet). I asked her for a copy of the recorded interview, which the reporter believed she had made, so I could verify the information provided by the reporter. I also wanted to give her an opportunity to address the ethical issues noted below. Given the serious nature of the issues, I asked that she respond via e-mail by \_\_\_\_\_ by \_\_\_\_\_ As of \_\_\_\_\_ on \_\_\_\_\_

I had received any communication, e-mail or otherwise, from Judge \_\_\_\_\_

### **BACKGROUND/CONTEXT**

In my \_\_\_\_\_ legal career I have never filed a bar complaint or a judicial complaint. I don't take lightly what people sacrifice and overcome to become licensed attorney's and judges in Arizona. I also greatly value the personal and professional relationships I've formed with my colleagues. Filing such a complaint is a last resort when conduct has reached a level that threatens the reputation of the judiciary and when prior attempts to intervene have failed. I recognize I have professional responsibilities. I have a responsibility : \_\_\_\_\_ o respect and honor the judicial office as a public trust. To preserve the integrity of the judiciary and to enhance public confidence in the judicial system. Further, \_\_\_\_\_ [ have a responsibility to oversee the ( \_\_\_\_\_ in \_\_\_\_\_ County.

I know Judge \_\_\_\_\_ has overcome incredible obstacles to arrive at where she is today. I admire her compassion for other's when someone is in need. I also fear, however, that those prior obstacles have left Judge \_\_\_\_\_ with an inability to manage her anger issues, which impacts her fitness to serve as a judge. Her need for personal vindication and revenge has come at a high cost to the public reputation of the judiciary in \_\_\_\_\_ County.

Filing this complaint is one of the most difficult professional decisions I've ever made – not because I doubt its contents, but because I'm aware that it will cause personal pain to Judge \_\_\_\_\_ This knowledge, as well as

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the series of events that have led us to this point, causes me stress and sadness. However, I believe Judge [redacted] actions have risen to a level that mandates a report to the Commission.

I believe Judge [redacted] conduct is egregious and undermines the respect, honor, integrity and public trust. I believe Judge [redacted] used her position as a judge to slander [redacted] personal and professional reputation in our small community for her own personal motives. If I were to sit back and do nothing or “ [redacted] ” then I would be complicit to her conduct. If I were to take half measures [redacted] abused the imbalance of power she has over an attorney, I would destroy the confidence the legal community has in our judicial conduct system.

[redacted] and [redacted] what is often referred to as “ [redacted] ” and “ [redacted] ”. [redacted] County consists of communities [redacted] County that are located [redacted] County located in [redacted] County. [redacted] those residents

Residents of [redacted] County who engage with Arizona’s court system consist of approximately [redacted] people – the majority of whom reside in the communities of [redacted] This already [redacted] is further connected due to [redacted] back over [redacted] There are approximately [redacted] practicing attorneys in [redacted] of whom work for the County Attorney’s Office. I mention all of this to help the Commission understand how [redacted] community is and the significant impact Judge [redacted] actions had on the perception of the court system within [redacted] County by giving this interview and posing for the picture in her robe and in her courtroom.

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County has newspaper -- is the only paper that covers local events/topics, so it is the County read. The is prominently displayed in every grocery store, and convenience store in County.

### **Previous Judicial Complaint &**

Due to Judge recent by the Commission and the record the Commission already has, I won't dive into all the details of her previous issues with What is relevant for to this complaint is that filed the judicial complaint leading to Judge . Further, based on information I have, it appears the became "public" around mid-

Also relevant to this complaint is that leading up to the judicial complaint he filed, filed a notion involving Judge in a criminal case. Due to the broad implications of that motion, I chose to put together a At the time of the hearing, Judge was a and served as the is now on the

### **The "Article"**

On On the printed version of the issue, the title of the Article appears on the front page, above the fold -- making the title visible to everyone entering grocery stores, convenience stores, or walking by an outdoor newspaper dispensary all over town. On of the issue, in the

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of Judge

The Article

In the online version of the Article, the same picture of Judge is even larger, in color, below the same title. I have included a copy of the printed version and the online version as part of this complaint (color picture can be seen at:

To further compound the problem, Judge sat down for this interview and the Article came out shortly before the

however, the article came out during a particularly sensitive time given the increased public scrutiny and attention during election time.

The Article also came out shortly after Judge by the Commission became "public" on the Commission's website; thereby, giving rise to the appearance that Judge was retaliating against for filing a judicial complaint.

The Article addresses the bar complaint filed by Judge against , and the judicial complaint filed against Judge I won't summarize the Article itself because copies are included. It is clear, however, the reporter had a copy of the public judicial complaint file. Therefore, to discover what statements were attributed directly to Judge during her interview versus the reporter's words, I had my court investigator contact the reporter to clarify any questions I had regarding the article.

The reporter verified to my court investigator that he reached out to the public email requesting comment regarding the Commission's investigation. The reporter verified that one of Judge staff contacted him back and indicated Judge felt more comfortable meeting in person, not over the phone or e-mail. Judge sat down for a personal interview with the reporter on The reporter reached out to for the Article, but did not respond to the request.

**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.**