

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-155

Judge: Keith D. Barth

Complainant: Commission on Judicial Conduct

ORDER

The Commission on Judicial Conduct initiated an investigation after learning that a municipal court judge inappropriately made statements in a podcast, including supporting a candidate for sheriff and campaigning as future chief deputy of the sheriff candidate.

Judge Keith D. Barth serves as a part-time city court magistrate for both Tombstone and Huachuca City. On or about March 23, 2024, Judge Barth appeared on a podcast called Law Matters. The podcast was to discuss a candidate (Mario Morales) running for sheriff in Santa Cruz County. Judge Barth appeared and was presented as a sitting judge. During the podcast, it was announced that Judge Barth would serve as Mario Morales' chief deputy should he win the election for sheriff. During the interview, Judge Barth did not correct a statement by the host about going to law school, as he did not attend law school. He also confirmed his commitment to become second in command, and endorsed the candidate for sheriff saying such things as "Mario is the right choice."

The host of the podcast asked the candidate if the sitting sheriff was "working with the cartel?" The sheriff candidate stated he could not answer that question, but Judge Barth entered the discussion and said, "He spends a lot of time in Mexico." Judge Barth also indicated if elected, he and Mario Morales would marry up their resources with another county's sheriff and come together as one. Mario Morales stated that if elected, he and Judge Barth would get out there and "do some stops and get some load vehicles."

The podcast host asked Judge Barth how many times he gives a person a free pass before he realizes this person is not going to change their ways. Rather than circumvent the question, Judge Barth said he has a long fuse and generally gives them three times before he has a "come to Jesus" meeting. He said he is really reasonable. The host continued the questioning with "what crimes get a free pass the first time?" Judge Barth replied, "dog at large."

Ultimately, Mario Morales lost the 2024 Santa Cruz County Sheriff election in a primary.

The Commission has found prior discipline for improper campaign conduct including using the prestige of judicial office to advance his interests for a non-judicial office. As a Part D Judge under the Code of Judicial Conduct, Judge Barth is exempt from the political restrictions under Rule 4.1 of the Code.

The Commission found that Judge Barth's conduct, as described above, violated the following provisions of the Code of Judicial Conduct:

Rule 1.2 (Promoting Confidence in the Judiciary), which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Rule 1.3 (Abuse of the Prestige of Judicial Office), which states, "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so."

Rule 3.1(C) (Extrajudicial Activities in General) which requires that a judge shall not "participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality . . . " as his conduct in campaigning for a position in law enforcement while serving as judge casts doubt on his impartiality.

Pursuant to an agreement of the parties, Judge Barth consented to a reprimand in this case. As part of the agreement, the Commission agrees to dismiss Case No. 24-215.

Judge Keith D. Barth further agreed to be mentored and monitored for six months and attend twice monthly meetings with Judge Wendy Million, Tucson City Court, to discuss ethical issues. Judge Million will provide two quarterly reports to the Commission on the contents of these meetings. In addition, Judge Barth will attend, at his own expense, two training programs with the National Judicial College and provide proof of completion of the programs. The programs are: 1) Ethics and Judging, and 2) Special Considerations for the Rural Court Judge.

The Commission reserves the right to amend the order in the event Judge Barth does not complete the terms of the agreement.

Accordingly, Judge Keith D. Barth is hereby publicly reprimanded for the conduct described above and pursuant to Commission Rule 17(a). The record in this

case, consisting of the complaint, the judicial officer's response, and this order shall be made public as required by Commission Rule 9(a).

Dated: June 9, 2025

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on June 9, 2025.

The Commission initiated an investigation after learning that Judge Keith Barth appeared on a Law Matters podcast with Mario Morales, a candidate for Santa Cruz County Sheriff. During the podcast, Morales announced his intention to make Judge Barth his chief deputy if he was elected. The podcast also discussed border issues facing southern Arizona counties, such as illegal immigration and drug smuggling, in which Judge Barth also engaged in these discussions. Morales also discussed his intention, if elected, to work with the sheriff of Cochise County, which is where Judge Barth currently serves as a part-time judge.

Comp (Audio Ver.)

APR 15 2024

2024 - 155



Resp (Barth)
8/26/24
24-155

From: Keith Barth <[redacted]>
Sent: Monday, August 26, 2024 2:36 PM
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Subject: [CAUTION! POSSIBLE IMPERSONATION] Case 24-155

Caution! This message was sent from outside your organization.

Dear Commission Members and Staff,

I am responding to complaint # 24-155.

I have been a friend and colleague of Mario Morales for over 30 years. Prior to being elected Justice of the Peace, District 2, Santa Cruz County in 2006 I served 23 years as a law enforcement officer on the U.S. Mexican International border.

On March 24, 2024 I accompanied Mario Morales, who is retired from the Santa Cruz County Sheriff's Office and at that time candidate for Santa Cruz Sheriff, to the taping of Law Matters podcast. My presence was only as a friend and not to appear on the podcast. Prior to March 24, 2024, I informed Mario to not introduce or refer to me as Judge or Magistrate Barth.

During the podcast I was acknowledged and referred to as Judge Barth. Additionally I was asked questions regarding the border. I gave my response, which is based on my experience as a law enforcement officer.

Mario did announce, if elected, he would ask me to serve as his second in command.

Regarding the podcast, I failed to inform the host to not refer to me as Judge Barth and I failed to remind Mario to do the same. For that I am responsible.

Please feel free to reachout to me with any other questions.

Respectfully,

Keith D. Barth

I have been a friend and colleague of Mario's for over 30 years.

As a sitting Magistrate I am aware of the cannons relating to political activities of Judicial employees.

I informed Mario and his campaign staff to not mention my title as Judge or



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MSCCLaw.com

May 9, 2025

Resp Supp 1
5/09/25
24-155

VIA EMAIL

Brian A. Bohan, Esquire (cjc@courts.az.gov)
Staff Attorney
COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington St., Suite 229
Phoenix, AZ 85007

Re: Honorable Keith D. Barth
Case Nos. 24-215 and 24-155

Dear Brian:

As you know, this firm represents the Honorable Keith D. Barth (“Judge Barth”) in relation to the above-numbered cases. I write to provide you some updates on his efforts to fulfill the requirements of the contemplated outcome in this matter.

First, Judge Barth has signed up for the following courses:

- Ethics and Judging – June 9-June 24, 2025
<https://www.judges.org/courses/ethics-and-judging-reaching-higher-ground-js-601/>
- Special Considerations for the Rural Court Judge – September 20-November 13, 2025 <https://www.judges.org/courses/special-considerations-for-the-rural-court-judge-web-based/>

Proof of registration is attached hereto as **Exhibit 1**.

In addition, he has begun communicating with Judge Wendy Million, the Tucson-area Judge who has agreed to provide mentoring to Judge Barth. A copy of that email is attached hereto as **Exhibit 2**.

* * *

Brian A. Bohan, Esquire

May 9, 2025

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We understand that there are some logistical aspects to wrapping up this matter, but per our discussion, Judge Barth recognizes the importance of immediately beginning the contemplated action items.

Sincerely,

MITCHELL | STEIN | CAREY | CHAPMAN, PC

By: 
Flynn P. Carey

cc: Honorable Keith Barth



Course Registration

Exhibit | 1



Receipt from The National Judicial College

Receipt #

AMOUNT PAID	DATE PAID	PAYMENT METHOD
\$875.00	May 7, 2025,	-

SUMMARY

Keith Barth	- Special Considerations for the Rural Court Judge: Web-Based	\$875.00
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Amount paid		\$875.00
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If you have any questions, contact us at njc-ar@judges.org or call us at **+1 800-255-8343**.

Something wrong with the email? [View it in your browser](#).

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Receipt from The National Judicial College

Receipt #

AMOUNT PAID	DATE PAID	PAYMENT METHOD
\$875.00	May 7, 2025,	-

SUMMARY

Keith Barth	- Ethics and Judging: Reaching Higher Ground: Web-Based	\$875.00
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Amount paid		\$875.00
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If you have any questions, contact us at njc-ar@judges.org or call us at **+1 800-255-8343**.

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Judge Wendy Million Email Correspondence

Exhibit | 2

From: Keith Barth < >
Sent: Wednesday, May 7, 2025 1:11 PM
To: MILLION, WENDY < >
Cc: Flynn Carey < >; Karissa Drescher < >
Subject: [CAUTION! POSSIBLE IMPERSONATION] Schedule Monitoring

Caution! This message was sent from outside your organization.

Good Afternoon Judge Million,

First of all I would like to thank you for accepting my request to monitor me. I know this is a big ask and I so appreciate your time.

It is my understanding that you have been given the information on the sessions required.

At your convenience please let me know what date(s) and times work for you. I will make my calendar work for yours.

Again thank you for your help and support.

Respectfully,

Keith