

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-337

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Judge:

Complainant:

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**ORDER**

December 4, 2024

The Complainant alleged a superior court judge inappropriately questioned his candor to the Court in a criminal case.

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, Delia R. Neal, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 4, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-337

**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.

On [ ] I appeared as attorney of record for a Pretrial Conference before Judge [ ] in [ ] County Court # [ ] I advised Judge [ ] that my client was not present because he was in Federal custody (in a case related to a state case Judge [ ] recently had dismissed) and I explained the circumstances that led to his federal custodial status.

When I finished my explanation, Judge [ ] asked the county attorney assigned to his courtroom that day if [ ]

Shocked that Judge [ ] publicly questioned my ethics, my integrity and my fitness to practice law, I told Judge [ ] that I would not have said what I said unless it were true. Judge [ ] without further comment granted the request to reschedule the hearing.

Upon returning to my office, I sent Judge [ ] an email (copy to the assigned prosecutor). I recounted for him what he had said in open court and how deeply offensive I found his baseless accusation to be. I suggested to him that should that be his opinion of me then it would be appropriate for him to recuse himself from my cases in the future. Judge [ ] did not respond. I have included that email with this submission.

I believe Judge [ ] on the record statements constitute judicial misconduct in violation of Canon 1, Rule 1.2; and Canon 2, Rules 2.2, 2.3 and 2.11. Judge [ ] baseless, unwarranted comment demonstrates a bias and a lack of impartiality towards me. His question to the prosecutor about me demonstrates the lack of impartiality and fairness towards me as well as a bias and prejudice towards me in violation of the Code of Judicial Conduct. His stated bias towards me should have caused him to disqualify himself from my cases (Rule 2.11). It has not and his failure to disqualify himself constitutes a separate rule violation.

I have done nothing in Judge [ ] courtroom, or in the courtroom of any other judge, that would in any way, shape or form cause a judge to question my veracity. I am an officer of the court and I take my professional responsibilities, to include candor to the tribunal, seriously. That a judge, on the record and in open court, for no reason, would in essence accuse a lawyer of lying is wrong and I submit demonstrates a temperament and demeanor unsuited to the bench.

The unjustified attack upon my integrity and professionalism alone would have been sufficient for me to draft this document. Aggravating Judge [ ] misconduct, however, is that I must now explain to present and future clients whose cases are assigned to Judge [ ] that the judge publicly has questioned my honesty. I believe that my duty to my clients requires this of me; and of course the need for me to do this will perforce have a negative impact upon attorney client relationships - why on earth should my client trust me and follow my advice when the judge questions my honesty?

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I remain angry at the unwarranted insult. The more I reflect upon what happened the more apparent it is to me that the judge's words would be inappropriate for anyone in a courtroom to say, let alone for them to be spoken by the judge towards the attorney of record. At a minimum I believe that they represent an appalling lack of aptitude for the position of trust a judge holds. Again, I am aware of nothing that I have done that could cause Judge \_\_\_\_\_ to question my honesty.

Baselessly questioning the honesty of a lawyer is not something that should ever be done, even if one does have the privilege of donning a robe when one goes to work.

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

Judge :

In court this morning I advised you that my client was in federal custody and explained to you how he got there. You (for the entire courtroom) then asked the state if they had any evidence that that what I said was true.

If the court is of the opinion that I misrepresent facts to the court; that I mislead the court; or that it is my practice to play loose with facts and ethics with the court; then I submit to the court that it is appropriate for the court to recuse itself from my cases.

It simply is not fair to my clients to have me appear with them in your courtroom where you publicly question my ethics and integrity and doubt my word. Why would my clients trust me or believe me when you do not? I will add that from my perspective, there is absolutely no reason for the court to have said what the court said. I have been an attorney for over four decades and I have not previously had my factual statements to any court doubted by the court. Perhaps that is because I have not done any of those things you saw fit to inquire about before you or any other judge.

Should the court have some issue with me, perhaps that should be discussed, rather than the court insulting me for reasons unknown to me.

I can abide your bailiff playing favorites as she controls your calendar. To have my professionalism and ethics questioned on top of that just goes too far.

Assistant Public Defender