

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-442

Judge:

Complainant:

ORDER

The Complainant alleged administrative irregularities and lack of competence by a justice of the peace.

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 regarding Rules 1.1, 1.2, and 2.1. Commission Administrative Policy 19(b)(1) indicates an advisory letter is appropriate for those circumstances in which “even though the judge’s conduct did not technically violate the code, it suggested an appearance of impropriety that could be avoided in the future if the judge is willing to modify his or her behavior or court procedures as recommended by the Commission.”

The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a). The judge’s request for a protective order is deemed moot based on the confidential disposition of this complaint.

Dated: May 29, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on May 29, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-442

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.

My name is _____ I am the _____ for _____ Justice Court. I started at _____ on _____ Prior to being hired as the _____ I was the _____ for _____ Justice Court for _____ years. I have been with the Justice Courts continually for _____ years.

I am filing this complaint on behalf of myself, the employees of the _____ Justice Court and the community of the _____ Precinct.

I have worked with Judge _____ since _____. When I began, there was a pending complaint (# _____), which resulted in a public reprimand issued on _____. During this time frame and until about _____ Judge _____ seemed to be making efforts to improve in the areas that she was disciplined for. However, after the new election cycle began and it was apparent that she had no opponent, she progressed into her old routines.

Referencing the Disposition of Complaint and Order _____ dated _____ Judge _____ has continued to violate the following Cannons: Rule 1.2, Rule 2.1, Rule 2.5. In addition I believe she has also violated Rule 2.2, Rule 2.3, Rule 2.7 and Rule 2.16.

Rule 1.2, 2.2 and/or 2.3 Judge _____ has also instructed that when I request protems that female protems are her first preference. (See attachment A)

Rule 2.1 and/or 2.5. Judge _____ continues to avoid working in the electronic queue which becomes frequently backlogged. This requires the need for protem judges to routinely be called to clear the matters in the queues. (See attachment B)

Judge _____ has also instructed me to follow " _____ " to call a protem if the queue reaches cases by _____ even if she will be available. (See attachment B)

Furthermore, one of our protems has been called so regularly that he has inquired on his own whether he is needed to complete the queues. (See attachment C)

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Rule 2.5 and/or 2.7, Judge _____ does not appear to be confident in her decision making ability when it comes to more complex case types, such as DUI's. Judge _____ regularly assigns these cases to proteems especially when they are scheduled for a jury trial. _____ and _____

Rule 2.1 and/or 2.5, Judge _____ continues to be continually late for court proceedings causing employees to have to deal with litigants and attorneys who are upset by the delays. (See attachment E).

Rule 2.5, Judge _____ continues to be absent from court when there is no calendar. When litigants appear seeking a protective order, the Judge routinely requests that employees re-route litigants to other courts due to her unavailability. (See attachment E)

Rule 2.16, Judge _____ is consistently behaving in a retaliatory manner against an employee who participated in the filing of complaint # _____. This behavior was immediately apparent during the first days of my employment at _____ JC and still continues to this day. (See attachment F)

A couple of times Judge _____ has required me to discipline the employee, against my better judgment. In fact, she has prepared at least one of them herself and given them to me with instruction to discipline the employee. She has not done this with other employees.

On one occasion she specifically told me that she wanted this employee " _____ " by the end of the year. On another, she changed the employee's flex day without consulting me or the other supervisor. The Judge's intention was to change the employees _____ flex day to a _____ flex day after the employee had _____ as a flex day for many years due to a _____ out of _____ In my opinion the reason behind the change was to provide a requested 3 day weekend to her favored employee.

In addition to these specific instances, Judge _____ had repeatedly brought errors to my attention for this specific employee. While the Judge will bring other staff errors to my attention occasionally, it is not as excessive as it is with this specific employee.

Lastly, the judge has asked for copies of all disciplinary actions regarding this specific employee, but has not requested this information for any other employee.

This information is provided in Attachment F along with other instances not specifically listed. Additional information can be provided as needed.

At this time I am submitting a letter to _____ requesting management of the staff be placed under the control of _____ County Court Administration. (See attachment G)

ATTACHMENT A

From:
Sent:
To:
Cc:
Subject: Protem Coverage

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Here is an overview of coverage and calendar blocks needed for next year.

Starting in we will need the protems all day instead of morning only.
Please prioritize these protems for all roundtables and bench meetings.
We want to help them get hours and become familiar with our court.

}

– No jury trials

– Morning only, no bench trials.
10 jury trials
No jury trials

mentor judge coverage

· No jury trials

may set civil trials in afternoon (please notify civil.)
All day

No jury trials

Judicial conference coverage

No jury trials

Light calendar – Week

may set civil trials in afternoon (please notify civil.)

no jury trials
IP conference coverage

Morning only, no bench trials.

Light calendar -

Light calendar –

Morning only, no bench trials.
jury trials.
Morning only, only PTCs in afternoon
Morning only, no bench trials
jury trials

This is everything I have for the time being.

Thank you for your assistance in being proactive about getting our court covered!

**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.**