

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-413

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Judge:

Complainant:

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**ORDER**

March 29, 2024

The Complainant alleged an appellate court judge failed to recuse from a case despite having a conflict of interest.

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).

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

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

**FOR OFFICE USE ONLY**

**2023-413**

**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.

To the Members of the Arizona Commission on Judicial Conduct:

As an Arizona resident, I am deeply concerned that Arizona Court Judge \_\_\_\_\_ will be involved in the ruling over the upcoming case brought by \_\_\_\_\_ Arizona disputing the legitimacy of the \_\_\_\_\_. I am concerned that the Judge has prejudicial views on the issue of \_\_\_\_\_ demonstrated by previous public appearances and statements he has made.

The Arizona Code of Judicial Conduct, Rule 2.11 states:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(5) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

With this understanding, I need to bring to your attention public statements made by the judge on \_\_\_\_\_ and \_\_\_\_\_.

On \_\_\_\_\_ Judge \_\_\_\_\_ spoke at a public demonstration protesting \_\_\_\_\_ outside the Phoenix \_\_\_\_\_ office. Judge \_\_\_\_\_ was the \_\_\_\_\_ at the time. He is quoted in an enclosed news article saying, " \_\_\_\_\_ He also rebuked \_\_\_\_\_ and stated, " \_\_\_\_\_ "

On \_\_\_\_\_ Judge \_\_\_\_\_ made a public social media post on \_\_\_\_\_ stating that " \_\_\_\_\_ " It is notable that Judge \_\_\_\_\_ in a repeated instance has referenced \_\_\_\_\_ beliefs through a \_\_\_\_\_ o express his viewpoint.

\_\_\_\_\_ However, it is my conclusion that Judge \_\_\_\_\_ is unwilling or unable to engage with the facts of this issue without prejudice.

Let me state plainly: I believe it will be damaging to the legitimacy of the Arizona \_\_\_\_\_ Court for Judge \_\_\_\_\_ to participate in the upcoming case involving \_\_\_\_\_ Arizona. I ask for the Commission's support in calling for the Judge to recuse himself in this case.

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Please see the news articles enclosed to reference Judge \_\_\_\_\_ public statements quoted above.

" \_\_\_\_\_, accessed online.

" \_\_\_\_\_, accessed online.

" \_\_\_\_\_, accessed online.



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Court judge won't disqualify himself from hearing a pending case brought by

who was in when he posted on has not disputed the statement, which was first disclosed in by when then- The newspaper has a screen shot of the posting.

wrote in the post.

in a statement to said that all parties in the case "And he said the "underlying subject matter" – in this case,

Also irrelevant, he said, is what he has said in the past.

in a statement. "old

But statements appear to go far beyond his position on whether Here he is expressing specific viewpoints about one of the litigants in the case.

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The Code of Judicial Conduct says a judge "shall disqualify himself" in any proceeding in which impartiality

"might reasonably be questioned." And it specifically mentions any case in which "the judge has a personal bias or prejudice concerning a party."

said he is "of his role as a judicial officer and the requirements of the code. But he declined to answer additional questions, saying that could call into question whether anything he is doing undermines rules that require a judge to act in a way that "promotes public confidence in the independence, integrity, and impartiality of the judiciary" and says a judge "shall avoid impropriety and the appearance of impropriety."

he said.

post about isn't his only public comment about the organization.

he wrote.

What makes all this critical is that the Court is set to hear arguments in about whether

All this is in the wake of a decision last year by the

The organization is now taking a closer look at

said the organization's senior director of public policy and government relations.

But County Attorney who also is arguing the decision, said she is not concerned about

she said.

And the current attorney general who has weighed in on the side of more nuanced approach, took a

she said.

In the end, the views of the lawyers in the case -- do not matter. There is no procedure to force a

views on: are not new.

In he argued in a court case that. He said lawmakers are entitled to " in making decisions in this area.

he told a federal judge, saying the

The court disagreed.

While his position on: aligned with

Both the and

One key incident both groups cited dated back to when

When that argument faltered, it was only a veto by that blocked the maneuver.

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