

Auditor's Compilation Report

REPORT OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT

QUALIFIED OPINION

To whom it may concern;

I have compiled the Case Disposition Rates of eighteen (18) separate state judicial oversight boards, committees, etc. for the periods 2013 through 2016. The underlying state reports are the responsibility of the respective State's oversight boards. My responsibility was to compile and express an opinion on the respective dismissal rates of these states. I have not audited or reviewed the supporting data and accompanying reports and, accordingly do not express an opinion, or provide any assurance about whether state Annual Reports are free of material misstatement.

Each reporting agency is responsible for the preparation and fair presentation of their Annual Reports in accordance with the statutes and reporting guidelines of their respective state. Each state report is available for public viewing on each State's respective oversight board's website. A listing of those website is included below.

Overview of the Analysis

The overall average dismissal rate of complaints filed against judges is ninety-five and one-half percent (95.5%) across eighteen (18) states. The highest dismissal rate is ninety-nine and one-half percent (99.5%) in Connecticut.

In my opinion, the Annual Report for Kentucky's Judicial Conduct Commission is representative of; the types of complaints received, types of complainants, and types of proceedings, that resulted in complaints against Judges across all states. Typically, across all states, a larger percentage of complaints that are filed, are complaints arising out of Domestic Relations cases, and are filed by litigants, who are all non-legal professionals. Review of multiple state Annual Reports suggests that most of the complaints are filed due to "Legal Error" and complain that judges are not following the law.

The following table is a summary of complaints disposed annually and dismissal rates of total complaints disposed. In my opinion, this table is representative of the case dismissal rates of the respective state judicial oversight agency.

State	Agency Name	Total Complaints				Dismissal Rate
		2013	2014	2015	2016	
Alabama	Judicial Inquiry Commission				204	93%
Arizona	Commission on Judicial Conduct	341	412	354	358	95%
California	Commission on Judicial Performance	1,181	1,174	1,231	1,210	97%
Colorado	Commission of Judicial Discipline	189	172	175		96%
Connecticut	Judicial Review Council	134	171	93		100%
Florida	Judicial Qualifications Commission	625	680	771		84%
Georgia	Judicial Qualifications Commission	451	412			99%
Kentucky	Judicial Conduct Commission	234	192	266	208	97%
Maryland	Commission on Judicial Disabilities	139	137	158	201	97%
Michigan	Judicial Tenure Commission	595	568	512	587	97%
New Mexico	Judicial Standards Commission	184	188	189		89%
New York	Commission On Judicial Conduct	1,770	1,767	1,959	1,944	99%
North Carolina	Judicial Standards Commission	264	228	238	256	95%
South Carolina	Commission on Judicial Conduct	298	293	302	290	94%
Tennessee	Board of Judicial Conduct	350	411	404	381	96%
Texas	State Commission on Judicial Conduct	1,109	1,080	1,242	1,049	94%
Utah	Utah Judicial Conduct Commission	81	67	69	79	98%
Washington	Commission on Judicial Conduct	319	335	310		98%
Note: Dismissal Rate is calculated as cases dismissed / total complaints received.				Average Dismissal Rate		95.5%
				Median Dismissal Rate		96.5%

The following table lists states whose Annual Reports were either not available for public viewing or could not be located on the state agency's website.

New Jersey	Advisory Committee on Judicial Conduct	Unreported
Montana	Judicial Standards Commission	Unreported
Virginia	Judicial Inquiry and Review Commission	Unreported
Ohio	Office of Disciplinary Counsel	Unreported
Louisiana	Judiciary Commission of Louisiana	Unreported

Qualification

Reporting and classification of dismissal rates is not consistent between states. The reporting periods are slightly different from state to state, as are the classification of dismissals. Some states have information available for multiple periods while one state only has information available for one year.¹ For the state with only one year

¹ For states whose annual report includes a table with multiple period statistics, a single annual report is included as an exhibit. For states that do not include a table reporting on multiple periods, excerpts have been included from several years of pertinent data for verification purposes, for each year reported, a single cover page has been included to segregate annual reports attached to this compilation report.

of statistics available, I have assumed that single period is a representative sample, as it is consistent with other reporting states.

Where complaints were dismissed for reasons of; judge's resignation, vacancy of office, term expiration, retirement, and similar reasons for dismissal, those dispositions are included as part of the dismissal rate.

Considering these facts, this opinion is "qualified" with a reasonable error rate of plus or minus one to three percent in the calculation of the Average Dismissal Rate.

Observations

Review of the Complaints where disciplinary action was initiated by the various oversight boards, shows that primarily the only complaints acted upon, are complaints filed by legal professionals (other judges and legal professionals) and the state agencies tasked with providing oversight of judges do not provide Equal Protection for the general public, and or, non-legal professionals.

Generally, Annual Reports for most states are easily located on their respective websites. However, some state Annual Reports are difficult to locate and other states do not report case dispositions. For example, the Annual Reports for Texas are not readily apparent on the website but can be located by typing "Annual Reports" into the site's search tool.

While dismissal rates are easily decipherable in many state Annual Reports, some state Annual Reports require careful review of the language and data to identify dismissal rates, and some reports appear to be intentionally misleading.

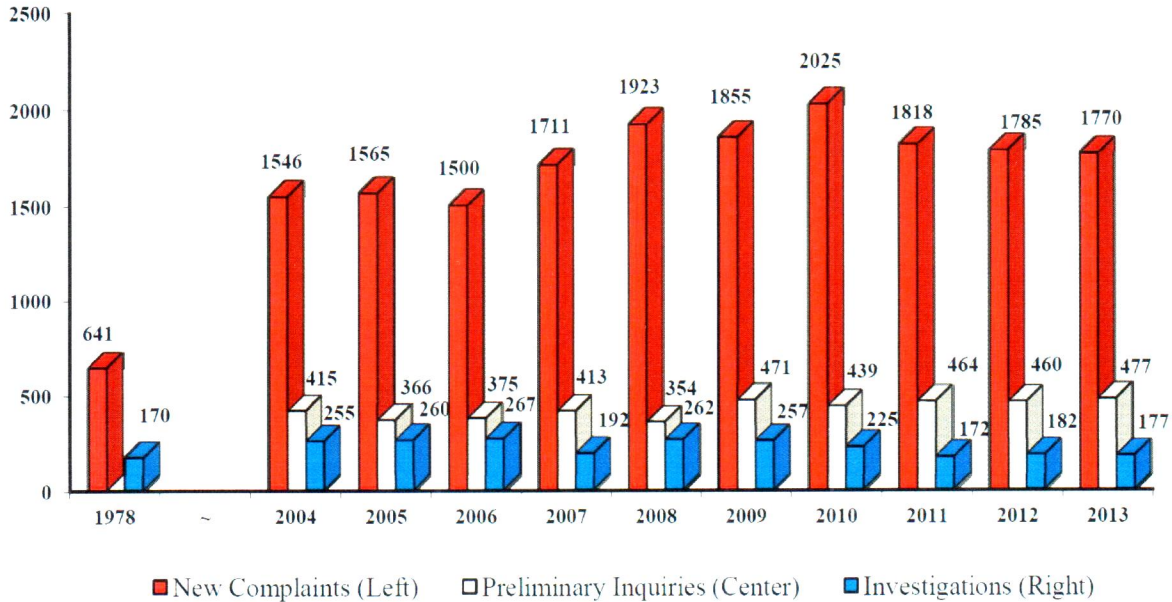
Other states like Arizona have changed the format of their report, making analysis of dismissal rates much less obvious to the general public. The Arizona Annual Report for 2013 was very simple to review and the dismissal rate for that year was easily calculated, but after the report format was changed in 2014, the dismissal rate became much less obvious, which may be especially true concerning the general public.

Of particular note, regarding historical reporting of the various agencies was the following excerpt from the New York 2014 Annual Report as follows:

The number of complaints received annually by the Commission in the past 10 years has substantially increased compared to the first two decades of the Commission's existence.

This above statement is followed by the below graph:

This report covers Commission activity in the year 2013.



Considering the fact that the larger percentage of complaints against judicial officials arises out of Domestic Relations litigation, the above graph suggests a sharp rise in complaints against judges that can perhaps be attributed to the nation’s “No-Fault” divorce legislation enacted by Ronald Reagan in 1969 which all by five states adopted in the early 1970s.

Respectfully Submitted,

John Anthony Gentry, Active CPA
State of MD License No. 27062

Judicial Oversight Agencies

National Center for State Courts

<http://www.ncsc.org/Topics/Judicial-Officers/Ethics/State-Links.aspx>

Alabama Judicial Inquiry Commission

<http://judicial.alabama.gov/JIC/JIC.cfm>

Arizona Commission on Judicial Conduct

<http://www.azcourts.gov/azcjc/Annual-Reports/2010-2019>

California Commission on Judicial Performance

https://cjp.ca.gov/annual_reports/

Colorado Commission of Judicial Discipline

http://www.coloradojudicialdiscipline.com/Annual_reports.html

Connecticut Judicial Review Council

<http://www.ct.gov/jrc/cwp/view.asp?a=3020&q=394914&jrcNav=|>

Florida Judicial Qualifications Commission

<http://www.floridajqc.com/>

Georgia Judicial Qualifications Commission

http://www.gajqc.com/annual_reports.cfm

Kentucky Judicial Conduct Commission

<http://courts.ky.gov/commissionscommittees/JCC/Pages/publicinformation.aspx>

Maryland Commission on Judicial Disabilities

<http://www.courts.state.md.us/cjd/annualreport.html>

Michigan Judicial Tenure Commission

http://jtc.courts.mi.gov/annual_report/index.php

New Mexico Judicial Standards Commission

<https://www.nmjsc.org/resources/annual-reports/>

New York State Commission on Judicial Conduct

<http://cjc.ny.gov/Publications/AnnualReports.htm>

North Carolina Judicial Standards Commission

<http://www.nccourts.org/Courts/CRS/Councils/JudicialStandards/>

Judicial Oversight Agencies (Cont.)

South Carolina Commission on Judicial Conduct

<http://m.sccourts.org/discCounsel/commissionJC.cfm>

Tennessee Board of Judicial Conduct

<https://www.tncourts.gov/board-of-judicial-conduct>

Texas State Commission on Judicial Conduct

<http://www.scjc.texas.gov/about/annual-reports.aspx>

Utah Judicial Conduct Commission

<http://jcc.utah.gov/reports/index.html>

Washington Commission on Judicial Conduct

	2013	2014	2015	2016	Dismissal Rate
Alabama					
Total Complaints				204	
Dismissals				190	Average
Dismissal Rate				93.14%	93.14%
Arizona					
Total Complaints	341	412	354	358	
Dismissals	311	399	342	343	Average
Dismissal Rate	91.20%	96.84%	96.61%	95.81%	95.12%
California					
Total Complaints	1,181	1,174	1,231	1,210	
Dismissals	1,151	1,149	1,190	1,165	Average
Dismissal Rate	97.46%	97.87%	96.67%	96.28%	97.07%
Colorado					
Total Complaints	189	172	175		
Dismissals	182	168	167		Average
Dismissal Rate	96.30%	97.67%	95.43%		96.47%
Connecticut					
Total Complaints	134	171	93		
Dismissals	132	171	93		Average
Dismissal Rate	98.51%	100.00%	100.00%		99.50%
Florida					
Total Complaints	625	680	771		
Dismissals	548	610	570		Average
Dismissal Rate	87.68%	89.71%	73.93%		83.77%
Georgia					
Total Complaints	451	412			
Dismissals	444	410			Average
Dismissal Rate	98.45%	99.51%			98.98%
Kentucky					
Total Complaints	234	192	266	208	
Dismissals	231	187	252	200	Average
Dismissal Rate	98.72%	97.40%	94.74%	96.15%	96.75%
Maryland					
Total Complaints	139	137	158	201	
Dismissals	135	134	151	193	Average
Dismissal Rate	97.12%	97.81%	95.57%	96.02%	96.63%

	2013	2014	2015	2016	Dismissal Rate
Michigan					
Total Complaints	595	568	512	587	
Dismissals				570	Average
Dismissal Rate				97.10%	97.10%
New Mexico					
Total Complaints	184	188	189		
Dismissals	162	173	167		Average
Dismissal Rate	88.04%	92.02%	88.36%		89.47%
New York					
Total Complaints	1,770	1,767	1,959	1,944	
Dismissals	1,748	1,733	1,949	1,925	Average
Dismissal Rate	98.76%	98.08%	99.49%	99.02%	98.84%
North Carolina					
Total Complaints	264	228	238	256	
Dismissals	253	215	225	240	Average
Dismissal Rate	95.83%	94.30%	94.54%	93.75%	94.60%
South Carolina					
Total Complaints	298	293	302	290	
Dismissals	282	274	286	275	Average
Dismissal Rate	94.63%	93.52%	94.70%	94.83%	94.42%
Tennessee					
Total Complaints	350	411	404	381	
Dismissals	335	396	391	362	Average
Dismissal Rate	95.71%	96.35%	96.78%	95.01%	95.96%
Texas					
Total Complaints	1,109	1,080	1,242	1,049	
Dismissals	1,072	1,018	1,151	983	Average
Dismissal Rate	96.66%	94.26%	92.67%	93.71%	94.33%
Utah					
Total Complaints	81	67	69	79	
Dismissals	78	65	69	79	Average
Dismissal Rate	96.30%	97.01%	100.00%	100.00%	98.33%
Washington					
Total Complaints	319	335	310		
Dismissals	313	330	305		Average
Dismissal Rate	98.12%	98.51%	98.39%		98.34%

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Attorney
Mobile

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[David Scott](#)

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Opelika

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Montgomery

[Ralph Malone](#)

Masada Resource Group
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Attorney
Birmingham

[Kim J. Chaney](#)

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Cullman

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Judicial Inquiry Commission

The Alabama Supreme Court formulated, established, and, on December 15, 1975, adopted the Alabama Canons of Judicial Ethics "as a code for judges and a declaration of that which the people of the State of Alabama have a right to expect of them." *Preamble*, Alabama Canons of Judicial Ethics.

Alabama, like each of the 49 other states and the District of Columbia, has a judicial-conduct system that is the *primary* means by which ethical standards for and other conduct of judges are regulated. These judicial-conduct systems were instituted to ensure the integrity, independence, and impartiality of judges and the judicial system by

- enforcing standards of judicial conduct on and off the bench;
- assisting the judiciary in maintaining the necessary balance between independence and accountability;
- providing an accessible forum for citizens' complaints against judges;
- creating a greater public awareness of what constitutes proper and improper judicial conduct; and
- protecting judges from false, unfounded, and inaccurate accusations.

Alabama's judicial-conduct system was established, in 1973, by the overwhelming support of the citizens of Alabama when, by nearly a two-to-one vote, Alabama adopted Amendment No. 328 to the Alabama Constitution (now §§ 139-162, Ala. Const. 1901 (Off. Recomp.)). Alabama's two-tier judicial-conduct system consists of the Judicial Inquiry Commission and the Court of the Judiciary. §§ 156 & 157, Ala. Const. 1901 (Off. Recomp.). The Judicial Inquiry Commission is convened permanently as an independent agency within the judicial branch of government with authority to

- initiate or receive complaints filed by *any* aggrieved person concerning any alleged violation by a judge of the Alabama Canons of Judicial Ethics, misconduct in judicial office, failure to perform judicial duties, or inability to perform judicial duties because of a physical or mental disability;
- conduct confidential investigations of allegations asserted in complaints filed with it;
- file charges in the Court of the Judiciary upon the finding by a majority of the Judicial Inquiry Commission that a reasonable basis exists to charge an Alabama judge with a violation of the Canons of Judicial Ethics, misconduct in office, failure to perform judicial duties, or inability to perform judicial duties because of a physical or mental disability; and
- prosecute charges the Commission files in the Court of the Judiciary (which, by rule of the Court of the Judiciary, the Commission is required to prove by clear and convincing evidence) and defend any appeal to the Alabama Supreme Court from the decision of the Court of Judiciary.

The Commission does not adjudicate complaints. The Commission does not hold formal hearings, and it cannot impose discipline on judges. When it proceeds with a preliminary investigation, it acts not as a prosecutor to prove a case, but as an impartial investigator, sensitive to the rights of the judge, the complainant, and the public. Every investigation affords the judge opportunities to respond to the allegations and to present argument and evidence, as the judge deems appropriate.

The Commission does not act as an appellate court. It cannot reverse, vacate, or otherwise modify any judicial decision. It does not review allegations of legal error or of abuse of judicial discretion, absent evidence of intentionally or consistently ignoring the law, evidence of abuse of judicial power, or other evidence of bad faith.

Article VI, § 156(b), of the Alabama Constitution, mandates that all proceedings of the Judicial Inquiry Commission shall be confidential except the fact that a complaint has been filed with the Court of the Judiciary. This mandate for confidentiality during an investigation exists in the judicial-conduct systems in

Jenny Garrett

Executive Director
Montgomery

Chandra Brown

Assistant Executive Director
Montgomery

Rosa H. Davis

Counsel
Montgomery

all states. Alabama's confidentiality has been further defined by the Alabama Supreme Court in the Rules of Procedure of the Judicial Inquiry Commission. Although the Judicial Inquiry Commission and its staff maintain strict confidentiality, the Commission has no authority to limit the speech of complainants, witnesses, or any judge involved in any complaint or investigation.

Pursuant to Article VI, § 156(c), the Alabama Supreme Court has adopted rules governing the procedures of the Judicial Inquiry Commission. Some key provisions include the following: Any complaint filed must be verified by the complainant (Rule 6.A); upon opening a confidential investigation, the Commission must serve upon the judge the complaint and a notice setting forth the nature of the allegations being investigated (Rule 6.C); every six weeks, the Commission must serve upon the judge any materials collected during the investigation (Rule 6.D); the Commission must serve upon the judge any subpoena, which is issued by the Commission, prior to or simultaneously with service of the subpoena on the person or entity being subpoenaed (Rule 7.C); and the confidentiality exception set out above (Rule 5.A). In addition, Rule 18 gives the Commission discretion to render advisory opinions relating to judicial ethics to judges upon request. (The Commission has issued 930 advisory opinions as of October 5, 2016.)

Contact Information**Judicial Inquiry
Commission**

401 Adams Avenue
P.O. Box 303400
Montgomery, AL
36130-3400

Phone (334) 242-4089

Fax (334) 353-4043

jic@jic.alabama.gov

Pursuant to Article VI, § 156(a), the Judicial Inquiry Commission consists of nine members: a judge of an intermediate appellate court, appointed by the Alabama Supreme Court; three persons who are not lawyers or judges and a district judge, appointed by the Governor and subject to confirmation by the Alabama Senate; two circuit judges, appointed by the Alabama Circuit Judges' Association; and two members of the Alabama State Bar, appointed by the Commissioners of the Alabama State Bar. Thus, seven commissioners are appointed by elected Alabama officials, with four of those commissioners also being confirmed by the Alabama Senate. The composition of the Judicial Inquiry Commission and the mechanism of appointment of its members by various public, elected officials and entities are very similar to all but a few of the 51 judicial-conduct systems in the United States.

During fiscal year 2016, the Judicial Inquiry Commission received 204 complaints against Alabama judges. In addition, during fiscal year 2016:

- 152 complaints were dismissed, without investigation, each dismissal based on one or more of the following findings by the Commission: The allegations did not present an ethical violation; the allegations did not present a reasonable basis on which to charge; and/or the allegations were beyond the Commission's jurisdiction because, in effect, they presented legal issues not implicating ethical misconduct.
- 38 complaints were investigated by the Commission, and the Commission subsequently dismissed those complaints or filed charges in the Court of the Judiciary. 17 complaints were carried over to fiscal year 2017.
- The Commission met with two judges about complaints filed against those judges, and the Commission subsequently dismissed those complaints.
- The Commission filed charges in the Court of the Judiciary against five judges. The Court publicly censured one judge; suspended two judges for 180 days without pay; and ordered one judge to immediately retire and never again seek judicial office. The Court also suspended a judge without pay for the remainder of his term.

In the 42 years since its inception in 1973, the Commission has filed 48 complaints prior to fiscal year 2017.

JIC Opinions are available on the Alabama State Bar website ([JIC Opinions](#))

- [Canons of Judicial Ethics](#)
- [Rules of Procedure of Judicial Inquiry Commission](#)
- [Court of the Judiciary](#)

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Annual Case Report

01/01/2013 through 12/31/2013

<u>Description</u>	<u>2013</u>
Cases filed	344
Cases dismissed	
Standard dismissals	295
Dismissals with comment	
Advisory Letters	17
Warning Letters	4
Other	0
Informal sanctions (imposed by commission)	
Reprimand	9
Reprimand with conditions	0
Formal sanctions (recommended to court)	
Censure	0
Suspension	0
Removal	0
Retirement	0
Other	0
Consolidated cases	0
Unresolved cases	3

Note

This report shows the disposition of the complaints filed with the commission during the period indicated above. It is not final until all complaints are resolved.



Arizona Commission on Judicial Conduct Annual Report for Calendar Year 2014

February 2015

Introduction

This is the Arizona Commission on Judicial Conduct's Annual Report highlighting its activities during calendar year 2014.

Purpose of the Commission

Arizona judges and other judicial officers are required to comply with the Arizona Code of Judicial Conduct. The Arizona Commission on Judicial Conduct is the agency that reviews complaints that a judge or other judicial officer has violated one or more of the provisions of the Code or otherwise engaged in judicial misconduct that warrants judicial discipline.

All complaints are first analyzed and investigated, as necessary, by commission staff. The commission reviews the results of staff investigations to determine if a judge has violated any rule of judicial conduct and, if so, whether he or she should be disciplined for misconduct. The commission may issue a public reprimand for low level judicial misconduct unless a formal hearing is requested by the judge. More serious sanctions such as censure, suspension, or removal, must be approved by the Arizona Supreme Court.

History of the Commission

The Arizona Commission on Judicial Conduct was created in 1970 when voters approved Article 6.1 of the state constitution. The new article, which was subsequently amended in 1988, established the commission as an independent state agency responsible for investigating complaints against justices and judges on the supreme court, court of appeals, superior court, and justice and municipal courts. The commission's jurisdiction extends to court commissioners, pro tem judges, and hearing officers serving any of these courts.

conclusions of law and a recommendation with the Arizona Supreme Court as to whether the formal charges should be dismissed or a sanction imposed for a violation of one or more of the judicial conduct rules judges must comply with. The final decision as to the dismissal of the charges or the imposition of discipline is up to the Arizona Supreme Court.

It is possible that following the filing of formal charges a judge will agree to stipulate to facts that demonstrate the judge violated one or more judicial conduct rules and to a sanction for the stipulated violations. Stipulations must be approved by both the hearing panel and the Arizona Supreme Court for the agreed-upon sanction to resolve the formal proceeding.

It is important to point out that complainants are not parties to any proceeding initiated by the commission. It is possible a complainant could be asked for additional information during the course of an investigation or be called as a witness in a formal proceeding against a judge, but the actual parties are the commission and the judge. The judge is entitled to be represented by counsel of his or her choice. Both parties have discovery rights similar to that which is allowed pre-trial in a civil lawsuit in superior court, and both parties can subpoena witnesses to testify at a hearing conducted by the hearing panel.

Calendar Year 2014 Activities

The principal mission of the commission is to fairly and efficiently review, investigate, and resolve complaints about the conduct of judges. The commission received 413 complaints in 2014. As of January 1, 2015, the commission had resolved most of those complaints. The balance remain under review. The following data summarizes the disposition of the complaints resolved in 2014.

a. Dispositions

i. Public Discipline

Unless a judge requests a hearing to contest the charges, the commission can issue a public reprimand for one or more violations of the Code of Judicial Conduct or other applicable ethics standards. Reprimands are the lowest level of public sanction and serve to disapprove of inappropriate conduct that does not warrant the filing of formal charges against the judge.

Upon the filing of formal charges against a judge, a commission hearing panel can recommend and the Supreme Court can impose the sanctions of censure, suspension, or removal.

Three judges were publicly disciplined in 2014. The details of each case can be found at the following location on the Internet:

2014 Public Discipline

- Judge Scott F. Sulley, a justice of the peace, was removed from office by the Arizona Supreme Court for numerous rule violations associated with his failure to effectively oversee the proper operation of his court, imposing improper restrictions on his staff and failing to ensure they were properly trained, maintaining a hostile work environment, making discriminatory comments, and lack of proper demeanor in court proceedings (Case No. 2014-114).
- Judge Anne Fisher Segal, a justice of the peace, was censured for various rule violations in connection with her bid to be reelected (Case No. 2014-219).
- Judge Anne Fisher Segal, a justice of the peace, was reprimanded for various rule violations in connection with her bid to be reelected (Case No. 2014-206).
- Judge Maria Lorona, a justice of the peace, was reprimanded for failing to resign from a leadership role in a nonprofit organization that provided services to the court in which she served (Case No. 2014-096).

ii. Advisory and Warning Letters

The commission may determine that a judge has not engaged in judicial misconduct, but should be encouraged to avoid similar complaints in the future in an advisory or warning letter. Advisory and warning letters are used to bring issues and rules to the attention of judges. Hopefully, the judge in question will take the advice or warning and make appropriate corrections on a going forward basis. Repeating conduct for which a judge previously received one or more advisory or warning letters could lead to a public reprimand or the filing of formal charges. The commission expects judges to self-correct problematic conduct.

The commission issued five advisory letters and five warnings in 2014. Advisory letters are issued when a judge's conduct does not technically violate the rules, but the commission believes the judge would benefit from advice in a particular area. A warning letter advises the judge of an evaluated concern that, absent correction on a going forward basis, could lead to judicial discipline.

2014 Advisory Letters

- A justice of the peace was advised that any time the judge proposed to amend an order due to a prior oversight or otherwise, the judge should provide the parties with notice and an opportunity to be heard (Case No. 2014-084).
- A pro tem superior court judge was advised to be aware of adverse appearances if the judge is simultaneously serving as a judge and also representing litigants in the same court in which the judge serves (Case No. 2014-088).

- A justice of the peace was advised that the judge should not automatically recuse from a case because someone has filed a complaint about the judge's handling of the case with the commission. The judge was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations When Complaints Are Filed Against Judges) (Case No. 2014-122).
- A municipal court magistrate was urged to carefully review the requirements of Rules 1.2, 2.2, and 2.6, including the duty to be impartial and appear to be impartial and the right of all parties to be heard. The judge was also advised to review the hearsay exceptions in the Rules of Evidence (Case No. 2014-234).
- A justice of the peace was advised that the judge should not automatically recuse from a case because someone has filed a complaint about the judge's handling of the case with the commission. The judge was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations When Complaints Are Filed Against Judges) (Case No. 2014-279).

2014 Warnings

- A justice of the peace was warned about the impropriety of discussing a case with defense counsel outside the presence of the plaintiff and then taking action on that discussion (Case No. 2014-030).
- A justice of the peace was warned about failing to live up to a commitment the judge made to the commission and about encouraging contact with the judge via the judge's website that could lead to solicitations for legal advice and improper ex parte communications (Case No. 2014-055).
- A superior court judge was warned against the use of humor that detracts from the decorum of court proceedings and can lead to the perception of impropriety, if not also a violation of Rule 2.8 (Case No. 2014-214).
- A justice of the peace was warned concerning the use of an improper photo of the judge on the bench in election campaign material (Case No. 2014-282).
- A superior court judge was advised to read Formal Advisory Ethics Opinion 06-02 (Prompt Disposition of Judicial Matters) and warned to implement appropriate procedures to prevent unreasonable delay in rulings in the future (Case No. 2014-290).

iii. Dismissals

Most complaints are dismissed as the facts do not support the allegations or the alleged misconduct does not constitute unethical conduct. For example, many complaints allege the judge was biased in favor of a litigant and prejudiced against the adverse party. The evidence supporting the claims of bias is one or more

unfavorable rulings. Unfavorable rulings do not constitute, in and of themselves, evidence of unethical bias or prejudice. A party dissatisfied with a judge's ruling must appeal to bring alleged legal error to the appropriate appellate court for possible reversal of the adverse ruling. Complaints based on alleged legal errors are routinely dismissed. The commission does not have jurisdiction to review the legal sufficiency of judicial rulings.

The disposition of all complaints filed with the commission since 2006 are posted to the commission's website (www.azcourts.gov/azcjc). The names of the complainants and the judges (and other identifying information) is redacted from dismissed complaints. The names of the complainants and judges are disclosed if the commission has issued a public reprimand or if the Arizona Supreme Court has issued a ruling in a judicial discipline case.

b. Rule Revisions

The commission submitted two rule change petitions to the Arizona Supreme Court in November 2013. One set of rule changes can be characterized as technical in nature. These proposed changes clarify ambiguities and modernize the commission's rules. The second set of rule changes proposed the reestablishment of the private admonition as the first level of judicial discipline. Currently, the first level of discipline is a public reprimand. The commission was of the view that a public reprimand was too harsh a sanction for minor violations. Of course, if a judge received a private admonition for a minor violation and then violated the same rule again, applying the concept of progressive discipline would likely lead to a more serious, public, sanction for the second such violation.

By order dated September 3, 2014, the Supreme Court approved the proposed technical changes to the commission's rules, to be effective January 1, 2015. The Supreme Court separately denied the petition to reestablish the private admonition as the first level of judicial discipline. A public reprimand remains the first level of discipline in Arizona though it should be noted that not every violation of the Code of Judicial Conduct will result in the imposition of discipline. As the Scope Section of the Code states, "It is not intended, however, that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the rules and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others."

c. Outreach

Members of the commission and staff take part in education programs to inform judges and court staff about its procedures and practices and to educate them about the Arizona Code of Judicial Conduct and the Arizona Code of Conduct for



Arizona Commission on Judicial Conduct Annual Report for Calendar Year 2015

February 2016

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Purpose of the Commission

Arizona judges and other judicial officers are required to comply with the Arizona Code of Judicial Conduct. The Arizona Commission on Judicial Conduct is the agency that reviews complaints that a judge or other judicial officer has violated one or more of the provisions of the Code or otherwise engaged in judicial misconduct that warrants judicial discipline.

All complaints are first analyzed and investigated, as necessary, by commission staff. The commission reviews the results of staff investigations to determine if a judge has violated any rule of judicial conduct and, if so, whether he or she should be disciplined for misconduct. The commission may issue a public reprimand for low level judicial misconduct unless a formal hearing is requested by the judge. More serious sanctions such as censure, suspension, or removal, must be approved by the Arizona Supreme Court.

History of the Commission

The Arizona Commission on Judicial Conduct was created in 1970 when voters approved Article 6.1 of the state constitution. The new article, which was subsequently amended in 1988, established the commission as an independent state agency responsible for investigating complaints against justices and judges on the supreme court, court of appeals, superior court, and justice and municipal courts. The commission's jurisdiction extends to court commissioners, pro tem judges, and hearing officers serving any of these courts.

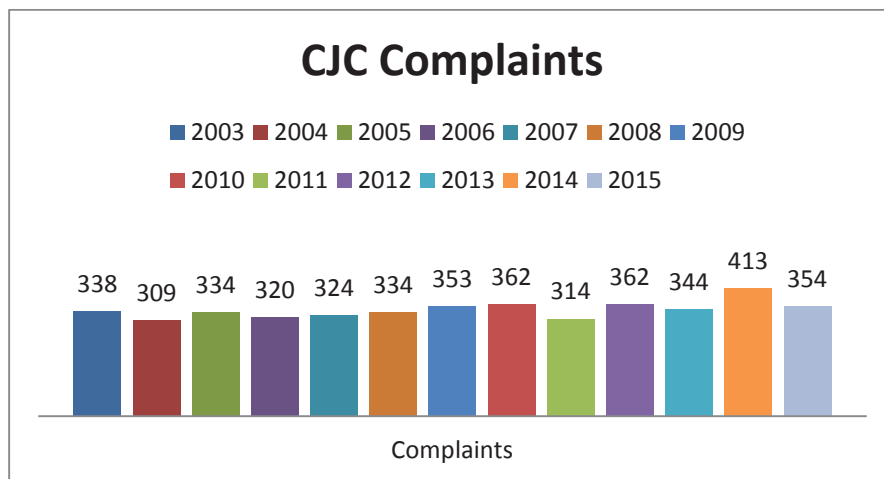
who served on the investigative panel) will file written findings of fact and conclusions of law and a recommendation with the Arizona Supreme Court as to whether the formal charges should be dismissed or a sanction imposed for a violation of one or more of the judicial conduct rules judges must comply with. The final decision as to the dismissal of the charges or the imposition of discipline is up to the Arizona Supreme Court.

It is possible that following the filing of formal charges a judge will agree to stipulate to facts that demonstrate the judge violated one or more judicial conduct rules and to a sanction for the stipulated violations. Stipulations must be approved by both the hearing panel and the Arizona Supreme Court for the agreed-upon sanction to resolve the formal proceeding.

It is important to point out that complainants are not parties to any proceeding initiated by the commission. It is possible a complainant could be asked for additional information during the course of an investigation or be called as a witness in a formal proceeding against a judge, but the actual parties are the commission and the judge. The judge is entitled to be represented by counsel of his or her choice. Both parties have discovery rights similar to that which is allowed pre-trial in a civil lawsuit in superior court, and both parties can subpoena witnesses to testify at a hearing conducted by the hearing panel.

Calendar Year 2015 Activities

The principal mission of the commission is to fairly and efficiently review, investigate, and resolve complaints about the conduct of judges. The commission docketed 354 complaints in 2015, a decrease of 59 complaints from 2014. As of January 1, 2016, the commission had resolved most of those complaints. The balance remain under review. The following chart shows the trend of complaints about Arizona judges since 2003:



The following data summarizes the disposition of the complaints resolved in 2015.

a. Dispositions

i. Public Discipline

Unless a judge requests a hearing to contest the charges, the commission can issue a public reprimand for one or more violations of the Code of Judicial Conduct or other applicable ethics standards. Reprimands are the lowest level of public sanction and serve to disapprove of inappropriate conduct that does not warrant the filing of formal charges against the judge.

Upon the filing of formal charges against a judge, a commission hearing panel can recommend and the Supreme Court can impose the sanctions of censure, suspension, or removal.

Twelve judges were publicly disciplined in 2015 (Seven 2014 cases were closed in 2015, but are reported on the commission's website as 2014 cases). The details of each case can be found at the following locations on the Internet:

<http://www.azcourts.gov/azcjc/Public-Decisions/2014>

<http://www.azcourts.gov/azcjc/Public-Decisions/2015>

2015 Public Discipline

2015 Suspensions (1)

- Flagstaff Justice of the Peace Howard Grodman was suspended from serving as a judge without pay for ninety days by the Arizona Supreme Court in Case No. 2014-216. Judge Grodman was found to have engaged in judicial misconduct during his primary election campaign in 2014. Judge Grodman's misconduct included improperly using his court-provided email account; improperly using robed photographs as part of his political campaign; improperly campaigning during court hours; improperly campaigning during official court events; improperly posting campaign signs at a United States Post Office in violation of federal law; using "crude, offensive and disparaging language directed at his campaign opponent"; improperly endeavoring to obtain campaign endorsements; improperly retaliating against his campaign opponent; and failing to be candid and honest with the commission.

2015 Censures (1)

- Superior/Kearny Justice of the Peace Larry A. Bravo was censured by the Arizona Supreme Court in Case No. 14-373. Judge Bravo was found to have violated a number of provisions of the Code of Judicial Conduct in connection

with his participation in court proceedings involving a person with whom he had an undisclosed financial relationship.

2015 Public Reprimands (10)

- Pima County Pro Tem Justice of the Peace Adam W. Watters was publicly reprimanded in Case No. 14-165. The commission found that then Pro Tem Judge Watters appeared in a photograph on his law firm's website in a judicial robe and advertised himself on the website as an active part-time pro tem judge in the Arizona court system. These instances were an abuse of the prestige of the judicial office to advance his own personal and/or economic interests in violation of Rule 1.3.
- Eloy Municipal Court Magistrate Clifford G. Wilson was publicly reprimanded in Case No. 14-331. The commission found that Magistrate Wilson violated Rules 1.2 and 2.11(A) by failing to disqualify from hearing a criminal damage trial when he was the agent of the property management company that managed the property claimed to have been damaged. Notwithstanding his knowledge of the situation, Magistrate Wilson nevertheless ordered the defendant to pay \$120 in restitution to the property management company.
- Page Justice of the Peace Donald G. Roberts was publicly reprimanded in Case No. 14-394. The commission found that Judge Roberts violated Rules 1.2 and 2.8(B) by making unwelcomed verbal comments to two detention officers and having unwelcomed physical contact with one of those detention officers. The commission indicated that allegations of a similar nature in the future may lead to formal disciplinary proceedings.
- Aqua Fria Justice of the Peace Joe "Pep" Guzman was publicly reprimanded in Case No. 14-398. The commission found that Judge Guzman had delayed three rulings past 60 days notwithstanding his periodic certification that he had no pending or undetermined cause for more than 60 days. One ruling was unreasonably delayed for over three months. The commission found the foregoing conduct violated Rule 1.1, which requires a judge to comply with the law, including the Code; Rule 1.2, which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary; and Rule 2.5 which requires a judge to perform his judicial and administrative duties competently, diligently, and promptly.
- Cochise County Superior Court Judge Charles A. Irwin was publicly reprimanded in Case No. 14-400. The commission found that Judge Irwin's ex parte communications with the Attorney General's Office and the insertion of himself into the appellate process of a criminal case violated Rules 1.2, 1.3, 2.2, and 2.9 of the Code of Judicial Conduct.

- Maricopa County Superior Court Judge Jeanne M. Garcia was publicly reprimanded in Case No. 2015-062. The commission found that Judge Garcia had engaged in improper ex parte communication with a Department of Child Safety case worker in a family law case in violation of Rule 2.9(A) and had also engaged in an improper independent investigation in the case in violation of Rule 2.9(C).
- North Valley Justice of the Peace Gerald A. Williams was publicly reprimanded in Case No. 2015-085. The commission found that Judge Williams engaged in improper demeanor during a judgment debtor's examination in violation of Rule 2.8(B). The judge was advised he should be fully aware, having been publicly reprimanded for similar misconduct in 2006, that any future complaint of a similar nature may lead to the filing of formal charges against him and the imposition of more serious discipline, including censure, suspension, or removal.
- Maricopa County Pro Tem Justice of the Peace David H. Fletcher was publicly reprimanded in Case No. 2015-125. The commission found that Judge Fletcher's tone during an eviction proceeding was not "patient, dignified, and courteous" in violation of Rule 2.8(B). It also found that the judge failed to afford either party a fair opportunity to be heard in violation of Rule 2.6(A), and demonstrated a lack of knowledge of the law by simultaneously entering a judgment for the defendant, but dismissing the case without prejudice, in violation of Rules 1.1 and 2.2.
- West McDowell Justice of the Peace Rachel Torres Carrillo was publicly reprimanded in Case No. 15-189. The commission found that Judge Carrillo had violated a number of provisions of the Code of Judicial Conduct in the conduct of a landlord/tenant eviction proceeding. She entered a judgment for rent when the tenant never received a notice of past due rent and the issue of past due rent was never addressed at the hearing. She failed to afford the tenant the right to present her defenses to the material and irreparable breach allegations and summarily found the tenant guilty of unlawful detainer based on unsworn avowals.
- Maricopa County Superior Court Commissioner Julie P. Newell was publicly reprimanded in Case No. 2015-192. The commission found that Commissioner Newell had violated Rule 2.8(B) of the Code of Judicial Conduct by not being patient, dignified, and courteous with an attorney and others in a proceeding pending before her. While Commissioner Newell had previously been publicly reprimanded for similar misconduct in 2013, the commission determined that this matter should be resolved by the issuance of another public reprimand rather than the institution of formal proceedings in light of the fact that the commissioner had resigned from all judicial offices.

ii. Advisory and Warning Letters

The commission may determine that a judge has not engaged in judicial misconduct, but should be encouraged to avoid similar complaints in the future in an advisory or warning letter. Advisory and warning letters are used to bring issues and rules to the attention of judges. Hopefully, the judge in question will take the advice or warning and make appropriate corrections on a going forward basis. Repeating conduct for which a judge previously received one or more advisory or warning letters could lead to a public reprimand or the filing of formal charges. The commission expects judges to self-correct problematic conduct.

The commission issued twenty-four (24) advisory letters and eleven (11) warnings in 2015. This was a significant increase in both types of cautions from 2014 when the commission issued five (5) advisories and five (5) warnings. Advisory letters are issued when a judge's conduct does not technically violate the rules, but the commission believes the judge would benefit from advice in a particular area. A warning letter advises the judge of an evaluated concern that, absent correction on a going forward basis, could lead to judicial discipline.

2015 Warnings (11)

- A justice of the peace was urged to familiarize himself with the appropriate legal standards utilized in protective order proceedings, particularly the definition of harassment in A.R.S. §12-1809, so that he applied the correct standard in the future (Case No. 2014-399).
- A justice of the peace was urged to turn off or mute his cell phone during future court proceedings. The commission indicated that all cell phones should be turned off or muted during court proceedings to maintain proper decorum (Case No. 2015-044).
- A superior court judge was urged to familiarize himself with the specific time lines for ruling required by Rule 32.6(c), Arizona Rules of Criminal Procedure, and to remain proactive and diligent in managing his calendar. In addition, the judge was reminded that the mere filing of a judicial conduct complaint was not grounds for disqualification and was encouraged to review Formal Advisory Ethics Opinion 98-02 (Disqualification Considerations when Complaints are Filed Against Judges) (Case No. 2015-063).
- A justice of the peace distributed a proposed court policy to contract vendors and others that was interpreted by some recipients as a veiled threat that they would lose their contracts if they exercised their free speech and political process rights to disagree with the proposed policy. The commission suggested that the better practice would have been to only distribute the proposed policy to other judges in the court. Broader circulation of a proposed policy could occur

if a majority of the judges in the consolidated court approved it for external comment or as official court policy (Case No. 2015-070).

- A Part B judge (Retired Judge Available for Assignment) was warned that it was inconsistent with Rule 1.3 of the Code of Judicial Conduct (A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge) to use a photograph depicting him in a judicial robe in an advertisement for his mediation services. Considering all the facts and circumstances of the case, the commission determined that the violation did not warrant formal discipline (Case No. 2015-073).
- A justice of the peace was reminded that he needed to ensure that his former law firm's website did not give the appearance or leave the impression that he still practiced law with the firm, including, but not limited to, eliminating any reference to the judge as a member of the firm and removing his name from the firm name (Case No. 2015-118).
- A pro tem justice of the peace was warned that the use of her Administrative Office of the Courts (AOC) e-mail account to send political campaign messages was inconsistent with Rules 3.1(E) and 4.1(A)(8) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure her compliance with the rules in the future (Case No. 2015-144).
- A municipal court magistrate was warned that the use of his government e-mail account to send political campaign messages was inconsistent with Rule 3.1(E) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure his compliance with the rules in the future (Case No. 2015-145).
- A justice of the peace was warned that the use of his Administrative Office of the Courts (AOC) e-mail account to send political campaign messages was inconsistent with Rules 3.1(E) and 4.1(A)(8) of the Code of Judicial Conduct and did not promote public confidence in the judiciary as required by Rule 1.2. Based on the judge's lack of a disciplinary history, the commission determined that a warning would suffice to ensure his compliance with the rules in the future (Case No. 2015-147).
- A superior court judge was urged to continue to improve his calendaring system to avoid any delayed rulings in the future and also urged to familiarize himself with the notice requirements under the Arizona Rules for Family Law Procedure as well as the service requirements that are triggered when one

party seeks to hold another party in contempt of court for failing to comply with prior court orders (Case No. 2015-182).

- A superior court commissioner was reminded of his obligations under Rules 1.1 and 2.2 of the Code of Judicial Conduct to comply with, uphold, and apply the law and urged him to become fully familiar with the requirements of Arizona's Address Confidentiality Program (Case No. 15-214).

2015 Advisory Letters (24)

A number of advisories dealt with more than one judicial ethics issue.

Nine advisories requested, in part, that the judge endeavor to familiarize him or herself with or to follow the law. For example, in Case No. 15-099 a superior court judge received a private advisory letter concerning the judge's decision to seal pleadings without making the findings required by a local court rule. The judge was encouraged to become familiar with the requirements of the rule and specified balancing test before sealing or redacting court files or records.

Seven advisories urged, in part, that the judge address issues concerning delay in ruling. For example, in Case No. 15-024 a superior court judge received a private advisory letter urging the judge to be ever vigilant in seeking to avoid delayed rulings.

Three advisories addressed, in part, issues concerning the judge's demeanor or decorum in his or her courtroom.

Two advisories, in part, reminded the judge not to conduct an independent investigation of the facts of a case.

Five other advisories dealt with single issues, including the proper use of judicial titles and robes in election campaigns, reminding a judge not to discuss pending court cases in a public venue, ensuring the right of parties to be heard, promoting public confidence in the independence, integrity, and impartiality of the judiciary, and avoiding the abuse of the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Two advisories suggested best practices to the judge in a particular area.

iii. Dismissals

Most complaints are dismissed as the facts do not support the allegations or the alleged misconduct does not constitute unethical conduct. For example, many complaints allege the judge was biased in favor of a litigant and prejudiced against the adverse party. The evidence supporting the claims of bias and/or prejudice is one or more unfavorable rulings. Unfavorable rulings do not constitute, in and of themselves, evidence of unethical bias or prejudice. A party dissatisfied with a judge's ruling must appeal to bring alleged legal error to the appropriate appellate court for possible reversal of the adverse ruling. Complaints based on alleged legal errors are

routinely dismissed. The commission does not have jurisdiction to review the legal sufficiency of judicial rulings.

The disposition of all complaints filed with the commission since 2006 are posted to the commission's website (www.azcourts.gov/azcjc). The names of the complainants and the judges (and other identifying information) is redacted from dismissed complaints. The names of the complainants and judges are disclosed if the commission has issued a public reprimand or if the Arizona Supreme Court has issued a ruling in a judicial discipline case.

b. Rule Revisions

The commission supported amendments of Supreme Court Rules 46(c) and (d) proposed by the Arizona Supreme Court Attorney Regulation Advisory Committee (Rules Petition R-15-0041). The proposed amendments seek to clarify the jurisdiction of the State Bar of Arizona and the Commission on Judicial Conduct over lawyers seeking to become judges, lawyers who are judges, and lawyers following their removal, resignation or retirement as judges. The rules petition is pending at this time and be found on the Internet at <http://www.azcourts.gov/Rules-Forum/aft/558>.

c. Outreach

Members of the commission and staff take part in education programs to inform judges and court staff about its procedures and practices and to educate them about the Arizona Code of Judicial Conduct and the Arizona Code of Conduct for Judicial Employees. A sampling of the programs commission members and staff participated in during 2015 include:

- Limited Jurisdiction New Judges Orientation
- General Jurisdiction New Judges Orientation
- Maricopa County Justice of the Peace Training
- Maricopa County Justice Court Small Claims and Traffic Hearing Officer Training
- Administrative Office of the Courts (AOC) Judicial Staff Training
- Supreme Court and Court of Appeals Law Clerk Training
- Ethics Presentations at the Annual Arizona Judicial Conference
- Arizona Justice of the Peace Association Conference
- Governor's Office of Highway Safety DUI Traffic Conference

Four members of the commission, its executive director, and the chair of the 2015 Arizona Supreme Court Judicial Ethics Advisory Committee, attended the 24th National College on Judicial Conduct and Ethics, sponsored by the National Center for State Courts, in Chicago, Illinois in late October 2015 to ensure currency in judicial ethics committee and commission activities nationally.



Arizona Commission on Judicial Conduct Annual Report for Calendar Year 2016

February 2017

Introduction

This is the Arizona Commission on Judicial Conduct's Annual Report highlighting its activities during calendar year 2016.

Purpose of the Commission

Arizona judges and other judicial officers are required to comply with the Arizona Code of Judicial Conduct. The Arizona Commission on Judicial Conduct is the agency that reviews complaints that a judge or other judicial officer has violated one or more of the provisions of the Code or otherwise engaged in judicial misconduct that warrants judicial discipline.

All complaints are first analyzed and investigated, as necessary, by commission staff. The commission reviews the results of staff investigations to determine if a judge has violated any rule of judicial conduct and, if so, whether he or she should be disciplined for misconduct. The commission may issue a public reprimand for low level judicial misconduct unless a formal hearing is requested by the judge. More serious sanctions such as censure, suspension, or removal, must be approved by the Arizona Supreme Court.

History of the Commission

The Arizona Commission on Judicial Conduct was created in 1970 when voters approved Article 6.1 of the state constitution. The new article, which was subsequently amended in 1988, established the commission as an independent state agency responsible for investigating complaints against justices and judges on the supreme court, court of appeals, superior court, and justice and municipal courts. The commission's jurisdiction extends to court commissioners, pro tem judges, and hearing officers serving any of these courts.

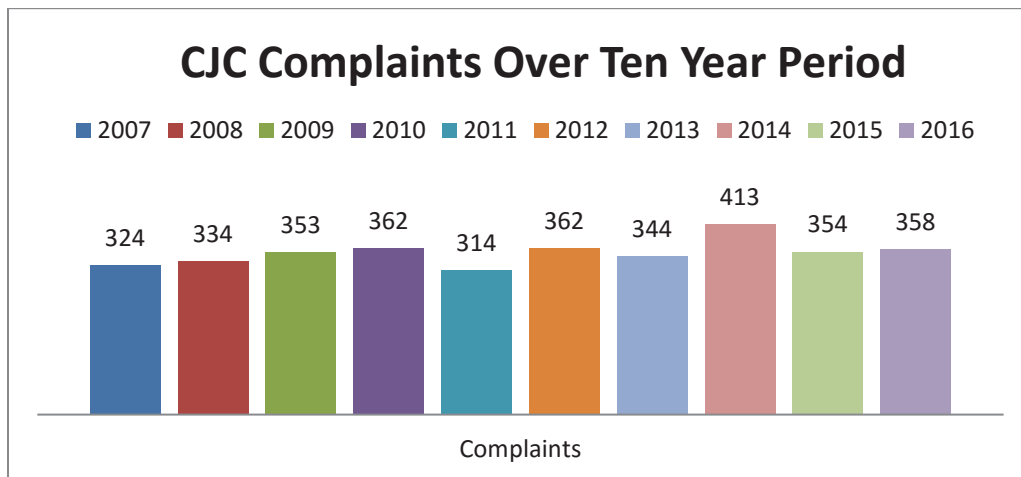
remaining eight members of the commission, excluding the three members who served on the investigative panel) will file written findings of fact and conclusions of law and a recommendation with the Arizona Supreme Court as to whether the formal charges should be dismissed or a sanction imposed for a violation of one or more of the judicial conduct rules judges must comply with. The final decision as to the dismissal of the charges or the imposition of public discipline is up to the Arizona Supreme Court.

It is possible that following the filing of formal charges a judge will agree to stipulate to facts that demonstrate the judge violated one or more judicial conduct rules and to a sanction for the stipulated violations. Stipulations must be approved by both the hearing panel and the Arizona Supreme Court for the agreed-upon sanction to resolve the formal proceeding.

It is important to point out that complainants are not parties to any proceeding initiated by the commission. It is possible a complainant could be asked for additional information during the course of an investigation or be called as a witness in a formal proceeding against a judge, but the actual parties are the commission and the judge. The judge is entitled to be represented by counsel of his or her choice. Both parties have discovery rights similar to that which is allowed pre-trial in a civil lawsuit in superior court, and both parties can subpoena witnesses to testify at a hearing conducted by the hearing panel.

Calendar Year 2016 Activities

The principal mission of the commission is to fairly and efficiently review, investigate, and resolve complaints about the conduct of judges. The commission docketed 358 complaints in 2016, a slight increase of 4 complaints from the number filed in 2015 (354). As of January 1, 2017, the commission had resolved most of those complaints. The balance remain under review. The following chart shows the trend of complaints about Arizona judges over the ten year period 2007-2016:



The following data summarizes the disposition of the complaints resolved in 2016.

a. Dispositions

i. Public Discipline

Unless a judge requests a hearing to contest the charges, the commission can issue a public reprimand for one or more violations of the Code of Judicial Conduct or other applicable ethics standards. Reprimands are the lowest level of public sanction and serve to disapprove of inappropriate conduct that does not warrant the filing of formal charges against the judge.

Upon the filing of formal charges against a judge, a commission hearing panel can recommend and the Supreme Court can impose the sanctions of censure, suspension, or removal.

Five judges were publicly disciplined in 2016 (One 2015 case was closed in 2016, but is reported on the commission's website as a 2015 case). Twelve judges were publicly disciplined in 2015. The details of the five cases can be found at the following locations on the Internet:

<http://www.azcourts.gov/azcjc/Public-Decisions/2015>

<http://www.azcourts.gov/azcjc/Public-Decisions/2016>

2016 Public Discipline

Public Reprimands (5)

- Pima County Justice of the Peace Jose Luis Castillo was publicly reprimanded in Case No. 15-267 for violating Rules 1.2 and 2.8(B) by failing to be patient, dignified, and courteous to an attorney who appeared before him.
- Yavapai County Superior Court Judge Celé Hancock was publicly reprimanded in Case Nos. 16-004 and 16-036 for violating Rules 1.2 and 2.8(B) by failing to be patient, dignified, and courteous to litigants in two separate family law cases.
- El Mirage Municipal Court Pro Tem Judge Timothy Forshey was publicly reprimanded in Case No. 16-011 for violating Rules 2.6(A) and 2.8(B) for failing to accord a litigant the right to be heard according to law and for failing to be patient, dignified, and courteous to a litigant in a civil traffic ticket case.
- El Mirage Municipal Court Pro Tem Judge Timothy Forshey was publicly reprimanded in Case No. 16-160 for violating Rules 1.2, 2.2, 2.6(A), and 2.8(B)

for failing to accord a litigant the right to be heard according to law, for failing to be fair and impartial, and for failing to be patient, dignified, and courteous to the litigant in a civil injunction against harassment proceeding.

- Apache County Justice of the Peace Jay Yellowhorse was publicly reprimanded in Case No. 16-167 for violating Rules 1.2, 1.3, 2.10(A), and 2.11. Judge Yellowhorse briefly participated in a case involving members of his family and spoke to the adverse party in a public setting about the merits of his family's claim while the case was pending in court.

ii. Advisory and Warning Letters

The commission may determine that a judge has not engaged in judicial misconduct or has engaged in misconduct that does not warrant public discipline. A judge may nevertheless benefit from cautionary advice to avoid potentially problematic behavior. Advisory and warning letters are used to bring issues and rules to the attention of judges. Hopefully, a judge receiving an advisory or warning will make appropriate corrections on a going forward basis. Repeating conduct for which a judge previously received one or more advisory or warning letters could lead to a public reprimand or the filing of formal charges. The commission expects judges to self-correct problematic conduct.

The commission issued twenty (20) advisory letters in 2016 (as compared to twenty-four (24) in 2015). The commission issued ten (10) warnings in 2016 (as compared to eleven (11) warnings in 2015). The commission issued five (5) advisories and five (5) warnings in 2014. Advisory letters are issued when a judge's conduct does not technically violate the rules, but the commission believes the judge would benefit from ethics advice in a particular area. A warning letter advises the judge of a concern that, absent correction on a going forward basis, could lead to judicial discipline.

Warnings (10)

- A municipal court judge was determined to have engaged in improper ex parte communication, independently investigated a case, and failed to afford a party the right to be heard. Noting that the Scope Section of the Arizona Code of Judicial Conduct provides that not every transgression of the rules warrants the imposition of discipline, the commission warned the judge to refrain from engaging in the indicated conduct in the future.
- A justice of the peace was reminded of his obligations under Rule 2.6(A) to afford litigants the right to be heard according law. He was also reminded to review Rule 2.9(A)(3), authorizing judges to consult with other judges in carrying out their adjudicative responsibilities, and Rule 2.16, the duty to cooperate with the commission in the investigation of complaints.

- A superior court judge was determined to have improperly spoken to a prosecutor regarding his performance during the pendency of a case. The judge was warned to refrain from engaging in such communication and of the far-reaching consequences of discussing trial performance with lawyers depending on the status of the case.
- A justice of the peace was reminded that it was his duty to promptly remove his name from his former firm's website upon the assumption of judicial office and that he improperly failed to do so for an extended period of time. The judge was advised that he had the personal and ongoing duty to comply with the Code of Judicial Conduct at all times as a full-time judge.
- A justice of the peace was determined to have directly solicited funds for an organization, which conduct was improper under Rules 1.3 and 3.7(A). The judge was warned to avoid the complained of conduct in the future.
- A superior court judge was determined to have worn a button supporting a political candidate on one occasion, which was improper under Rule 4.1(A)(3). The judge was urged to avoid publicly endorsing or opposing another candidate for any public office.
- A justice of the peace was urged to ensure any personal fiduciary duties complied with Rule 3.8 and did not give the appearance of impropriety under Rule 1.2.
- A justice of the peace was determined to have had inappropriate interaction with a member of court staff. The judge was reminded of his obligation pursuant to Rule 2.8(B) to be patient, dignified and courteous with court staff.
- A justice of the peace was reminded to promptly update biographical information so as not to create an appearance of impropriety in violation of Rule 1.2 (Promoting Confidence in the Judiciary).
- A small claims hearing officer was warned to refrain from making comments that gave the appearance that he had prejudged a case so as not to violate Rule 1.2 (Promoting Confidence in the Judiciary) and Rule 2.2 (Impartiality and Fairness).

Advisory Letters (20)

- A justice of the peace was advised to avoid referencing his judicial position in any promotional material used in an authorized private business activity and to disclose pertinent information about his business ownership to litigants who may come before him on cases involving issues similar to his businesses. This matter involved two related complaints.

- A justice of the peace was advised to refrain from making comments that could be perceived as favoring one party and encouraged the judge to conduct proceedings in a more formal fashion so as to promote confidence in and the impartiality and fairness of the judiciary.
- A justice of the peace was advised of his obligations under Rule 2.8(B) to be patient, dignified, and courteous to judicial employees.
- A superior court judge was advised to more fully review case files before issuing orders so as not to violate Rule 2.6 (Ensuring the Right to be Heard).
- The commission suggested that a municipal court judge re-evaluate how the court's practice of delaying civil traffic cases was reflected on the court's case docket available to the public.
- A pro tem justice of the peace was reminded to ensure all applicable response times expired prior to issuing a ruling so as not to violate Rule 2.6 (Ensuring the Right to Be Heard).
- A justice of the peace was encouraged to implement and/or enhance her case tracking system for matters taken under advisement.
- A superior court judge was reminded of the need to rule promptly and of the need to implement measures to track pending matters and deadlines.
- A pro tem municipal court judge was reminded that the use of a cell phone during a hearing can give appearance of impropriety.
- A superior court commissioner was encouraged to thoroughly review her cases to avoid conflicts of interest warranting recusal.
- A superior court judge was reminded to refrain from making comments that could give the appearance that the judge had prejudged a case.
- A justice of the peace was reminded to avoid using language that some may find offensive so as not to violate Rules 1.2 or 2.8(B). The judge was also reminded that he was not required to recuse himself from a case merely because a litigant had filed a complaint against him with the commission.
- A superior court commissioner was advised to ensure that lawyers were not appointed as counsel in cases in which they had previously served as public officers.

- A justice of the peace and small claims hearing officer were reminded that they needed to clarify the status of business entities involved in litigation and that if an individual appeared on behalf of a business entity the individual had the legal capacity to do so in order to avoid violation of Rule 1.1 (Compliance with the Law).
- A superior court commissioner was reminded to ensure that all response times had elapsed before issuing a ruling so as not to violate Rules 1.1 (Compliance with the Law) and 2.6(A)(Ensuring the Right to Be Heard).
- A justice of the peace was reminded that when managing a high volume calendar with tight time constraints, it was important not to give litigants the impression that their matter would not be fully heard, thereby avoiding a violation of Rule 2.5(A) (Competence, Diligence, and Cooperation).
- A superior court judge was advised to thoroughly familiarize himself with the applicable family law rules so as not to violate Rule 1.1 (Compliance with the Law).
- A justice of the peace was advised to thoroughly familiarize himself with the applicable rules of criminal procedure so as not to violate Rule 1.1 (Compliance with the Law) and to refrain from viewing social media postings that could lead to inadvertent ex parte communication and/or acquisition of factual information outside of the record so as not to violate Rule 2.9 (Ex Parte Communications).
- A pro tem superior court judge was reminded of the appropriate parameters for taking judicial notice so as not to violate Rules 1.1 (Compliance with the Law), 2.5(A) (Competence, Diligence, and Cooperation), and 2.6(A) (Ensuring the Right to Be Heard).

iii. Dismissals

Most complaints are dismissed as the facts do not support the allegations or the alleged misconduct does not constitute unethical conduct. For example, many complaints allege the judge was biased in favor of a litigant and prejudiced against the adverse party. The evidence supporting the claims of bias and/or prejudice is one or more unfavorable rulings. Unfavorable rulings do not constitute, in and of themselves, evidence of unethical bias or prejudice. A party dissatisfied with a judge's ruling must appeal to bring alleged legal error to the appropriate appellate court for possible reversal of the adverse ruling. Complaints based on alleged legal errors are routinely dismissed. The commission does not have jurisdiction to review the legal sufficiency of judicial rulings.

The disposition of all complaints filed with the commission since 2006 are posted to the commission's website (www.azcourts.gov/azcjc). The names of the complainants and the judges (and other identifying information) is redacted from dismissed complaints. The names of the complainants and judges are disclosed if the commission has issued a public reprimand or if the Arizona Supreme Court has issued a ruling in a judicial discipline case.

b. Rule Revisions

The commission supported proposed amendments of Supreme Court Rules 46(c) and (d) proposed by the Arizona Supreme Court Attorney Regulation Advisory Committee (Rules Petition R-15-0041). The proposed amendments sought to clarify the jurisdiction of the State Bar of Arizona and the Commission on Judicial Conduct over lawyers seeking to become judges, lawyers who are judges, and lawyers following their removal, resignation or retirement as judges. The Arizona Supreme Court approved only part of the recommended language in a subsequent order concerning the petition. The Court added the following language to Supreme Court Rule 46(d): "The State Bar and Commission on Judicial Conduct have concurrent jurisdiction over judges for misconduct as lawyers before becoming judicial officers."

c. Outreach

Members of the commission and staff take part in education programs to inform judges and court staff about its procedures and practices and to educate them about the Arizona Code of Judicial Conduct and the Arizona Code of Conduct for Judicial Employees. A sampling of the programs commission members and staff participated in during 2016 include:

- Limited Jurisdiction New Judges Orientation
- General Jurisdiction New Judges Orientation
- Maricopa County Justice of the Peace Training
- Maricopa County Justice Court Small Claims and Traffic Hearing Officer Training
- Arizona Magistrates Annual Conference
- Administrative Office of the Courts (AOC) Judicial Staff Training
- Supreme Court and Court of Appeals Law Clerk Training
- Ethics Presentations at the Annual Arizona Judicial Conference
- Arizona Justice of the Peace Association Annual Conference
- Pima County Justice Court Training for Pro Tem Justices of the Peace and Hearing Officers

Commission Membership

The commission is comprised of eleven members (six judges, two attorneys, and three public members):

STATE OF CALIFORNIA
COMMISSION ON JUDICIAL PERFORMANCE



2016 ANNUAL REPORT

455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102
(415) 557-1200
<http://cjp.ca.gov>

III.
ACTIVE AND FORMER JUDGES—2016 STATISTICS

10-YEAR SUMMARY OF COMMISSION ACTIVITY

NEW COMPLAINTS CONSIDERED BY COMMISSION

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
	1,077	909	1,161	1,176	1,158	1,143	1,209	1,212	1,245	1,234

COMMISSION INVESTIGATIONS COMMENCED

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Staff Inquiries	55 (5%)	70 (8%)	102 (9%)	101 (9%)	95 (8%)	72 (6%)	53 (4%)	84 (7%)	69 (6%)	85 (7%)
Preliminary Investigations	54 (5%)	42 (5%)	63 (5%)	101 (9%)	77 (7%)	80 (7%)	102 (8%)	101 (8%)	83 (7%)	76 (6%)
Formal Proceedings Instituted	1 (<1%)	2 (<1%)	1 (<1%)	2 (<1%)	1 (<1%)	2 (<1%)	0 (0%)	2 (<1%)	3 (<1%)	1 (<1%)

DISPOSITION OF COMMISSION CASES

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Dispositions	1,058	892	1,115	1,133	1,138	1,152	1,181	1,174	1,231	1,210
Closed After Initial Review	975 (92%)	805 (90%)	1,007 (90%)	988 (87%)	995 (87%)	1,000 (87%)	1,061 (90%)	1,039 (89%)	1,103 (90%)	1,079 (89%)
Closed Without Discipline After Investigation	45 (4%)	48 (5%)	74 (7%)	96 (8%)	99 (9%)	106 (9%)	88 (8%)	90 (8%)	86 (7%)	81 (7%)
Advisory Letter	20 (2%)	18 (2%)	25 (2%)	31 (3%)	26 (2%)	30 (3%)	21 (2%)	29 (2%)	26 (2%)	26 (2%)
Private Admonishment	9 (<1%)	7 (<1%)	3 (<1%)	8 (<1%)	10 (<1%)	6 (<1%)	7 (<1%)	9 (<1%)	11 (<1%)	11 (<1%)
Public Admonishment	5 (<1%)	7 (<1%)	2 (<1%)	4 (<1%)	5 (<1%)	5 (<1%)	1 (<1%)	3 (<1%)	2 (<1%)	6 (<1%)
Public Censure	1 (<1%)	0 (0%)	1 (<1%)	3 (<1%)	1 (<1%)	1 (<1%)	1 (<1%)	2 (<1%)	2 (<1%)	1 (<1%)
Removal	2 (<1%)	2 (<1%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)
Judge Retired or Resigned with Proceedings Pending	1 (<1%)	5 (<1%)	3 (<1%)	3 (<1%)	2 (<1%)	3 (<1%)	2 (<1%)	2 (<1%)	1 (<1%)	5 (<1%)

III. ACTIVE AND FORMER JUDGES 2016 STATISTICS

COMPLAINTS RECEIVED AND INVESTIGATED

In 2016, there were 1,842 judgeships within the commission’s jurisdiction. In addition to jurisdiction over active judges, the commission has authority to impose certain discipline upon former judges for conduct while they were active judges.

The commission’s jurisdiction also includes California’s 251 commissioners and referees. The commission’s handling of complaints involving commissioners and referees is discussed in Section V.

JUDICIAL POSITIONS As of December 31, 2016	
Supreme Court	7
Courts of Appeal	105
Superior Courts	1,730
Total	1,842

New Complaints

In 2016, the commission considered 1,234 new complaints about active and former California judges. The 1,234 complaints named a total of 1,443 judges (894 different judges).

2016 CASELOAD—JUDGES	
Cases Pending 1/1/16.....	112
New Complaints Considered.....	1,234
Cases Concluded	1,210
Cases Pending 12/31/16.....	122
Discrepancies in totals are due to consolidated complaints/dispositions.	

In 2016, the commission considered 96 complaints about subordinate judicial officers. These cases are discussed in Section V.

The commission office also received 454 complaints in 2016 concerning individuals and matters that did not come under the commission’s jurisdiction: federal judges, former judges for matters outside the commission’s jurisdiction, judges pro tem (temporary judges), workers’ compensation judges, other government officials and miscellaneous individuals. Commission staff responded to each of these complaints and, when appropriate, made referrals.

Staff Inquiries and Preliminary Investigations

In 2016, the commission ordered 85 staff inquiries and 76 preliminary investigations.

INVESTIGATIONS COMMENCED IN 2016	
Staff Inquiries	85
Preliminary Investigations.....	76

Formal Proceedings

At the beginning of 2016, there were three formal proceedings pending before the commission: *Inquiry Concerning Judge Valeriano Saucedo*, No. 194; *Inquiry Concerning Judge John A. Trice*, No. 196; *Inquiry Concerning Judge Edmund W. Clarke, Jr.*, No. 197. In the *Saucedo* matter, the commission issued a decision in December 2015, but the time for the judge to file a petition for review in the California Supreme Court had not expired by the end of 2015.¹ The judge filed a petition for review in March 2016, which was denied by the Supreme Court in May 2016. The *Trice* matter was concluded in 2016. The commission issued a decision in the *Clarke* matter in September 2016. The judge submitted a petition for review of the commission’s determination

¹ The *Saucedo* matter was not final at the end of 2015; it was not included in the complaint disposition statistics for 2015. It is included in the 2016 statistics.

III.
ACTIVE AND FORMER JUDGES—2016 STATISTICS

in December 2016, which was pending before the Supreme Court at the end of the year.²

During 2016, the commission instituted formal proceedings in one matter (*Inquiry Concerning Judge Gary G. Kreeb*, No. 198), which remained pending before the commission.

FORMAL PROCEEDINGS	
Pending 1/1/16.....	3
Commenced in 2016.....	1
Concluded in 2016.....	2
Pending 12/31/16.....	2

DEFERRAL OF INVESTIGATION

As discussed on page 5, the commission may defer an investigation under certain circumstances. At the beginning of 2016, 10 pending matters had been deferred. The commission ordered 9 matters deferred during 2016. Four matters were returned to the commission’s active calendar and were considered and concluded by the commission in 2016. Four matters were returned to the active calendar and remained pending before the commission at the end of 2016. Eleven matters remained deferred at the end of the year.

DEFERRED INVESTIGATIONS	
Pending 1/1/16.....	10
Investigations deferred in 2016.....	9
Deferred investigations returned to active calendar and concluded in 2016.....	4
Investigations returned to the active calendar and pending 12/31/16.....	4
Deferred investigations pending 12/31/16.....	11
Discrepancies in totals are due to consolidated complaints/dispositions.	

REASONS INVESTIGATIONS WERE DEFERRED IN 2016	
Deferred pending resolution of underlying case.....	4
Deferred pending appeal or other review	2
Deferred pending civil, criminal or administrative investigation or proceeding ...	0
Deferred pending rule 112 monitoring	2
Deferred pending mentoring	1

COMPLAINT DISPOSITIONS

The following case disposition statistics are based on cases completed by the commission in 2016, regardless of when the complaints were received.³ In 2016, the commission concluded a total of 1,210 cases. The average time period from the filing of a complaint to the disposition was 3.30 months. A chart of Complaint Dispositions of all cases completed by the commission in 2016 is included on page 12.

TYPE OF COURT CASE UNDERLYING COMPLAINTS CONCLUDED IN 2016	
Criminal	42%
General Civil	20%
Family Law	18%
Small Claims/Traffic	6%
All Others.....	10%
4% of the complaints did not arise out of court cases. These complaints concerned off-bench conduct, such as the handling of court administration and political activity.	

² The *Clarke* matter is not included in the complaint disposition statistics for 2016.

³ Staff inquiries and preliminary investigations in the cases closed in 2016 may have commenced in prior years. Cases or portions of cases pending at the end of 2016 are not included in complaint disposition statistics.

Closed Without Discipline

In 2016, after obtaining the information necessary to evaluate the complaints, the commission determined that there was not a sufficient showing of misconduct in 1,079 of the complaints. In other words, there was an absence of facts which, if true and not otherwise explained, might constitute misconduct. A substantial percentage alleged legal error not involving misconduct or expressed dissatisfaction with a judge's decision. The commission closed these complaints without staff inquiry or preliminary investigation.

Following staff inquiry or preliminary investigation, the commission closed another 81 matters without discipline. In these cases, investigation showed that the allegations were unfounded or unprovable, or the judge gave an adequate explanation of the situation.

In closing one matter, a preliminary investigation involving Judge Aaron Persky of the Santa Clara County Superior Court, the commission issued an explanatory statement pursuant to California Constitution, article VI, section 18(k), because of the widespread public attention the matter had received. A copy of the explanatory statement is included as Appendix 4.

SOURCE OF COMPLAINTS CONCLUDED IN 2016	
Litigant/Family/Friend	88%
Attorney	3%
Judge/Court Staff	2%
All Other Complainants	5%
(including members of the public)	
Source Other Than Complaint.....	2%
(includes anonymous letters, news reports)	

Closed with Discipline

In 2016, the commission removed one judge, publicly censured one judge and imposed six public admonishments. The commission also issued 11 private admonishments and 26 advisory letters. Each of these cases is summarized in Section IV.

A chart of the Types of Conduct Resulting in Discipline in 2016 appears on page 13. The types of conduct are listed in order of prevalence. The numbers on the chart indicate the number of times each type of conduct resulted in discipline. A single act of misconduct was counted once and assigned to the category most descriptive of the wrongdoing. If multiple types of misconduct were involved in a single case, each different type of conduct was counted and assigned to the appropriate category. However, if the same type of conduct occurred on multiple occasions in a single case, the conduct was counted only once.

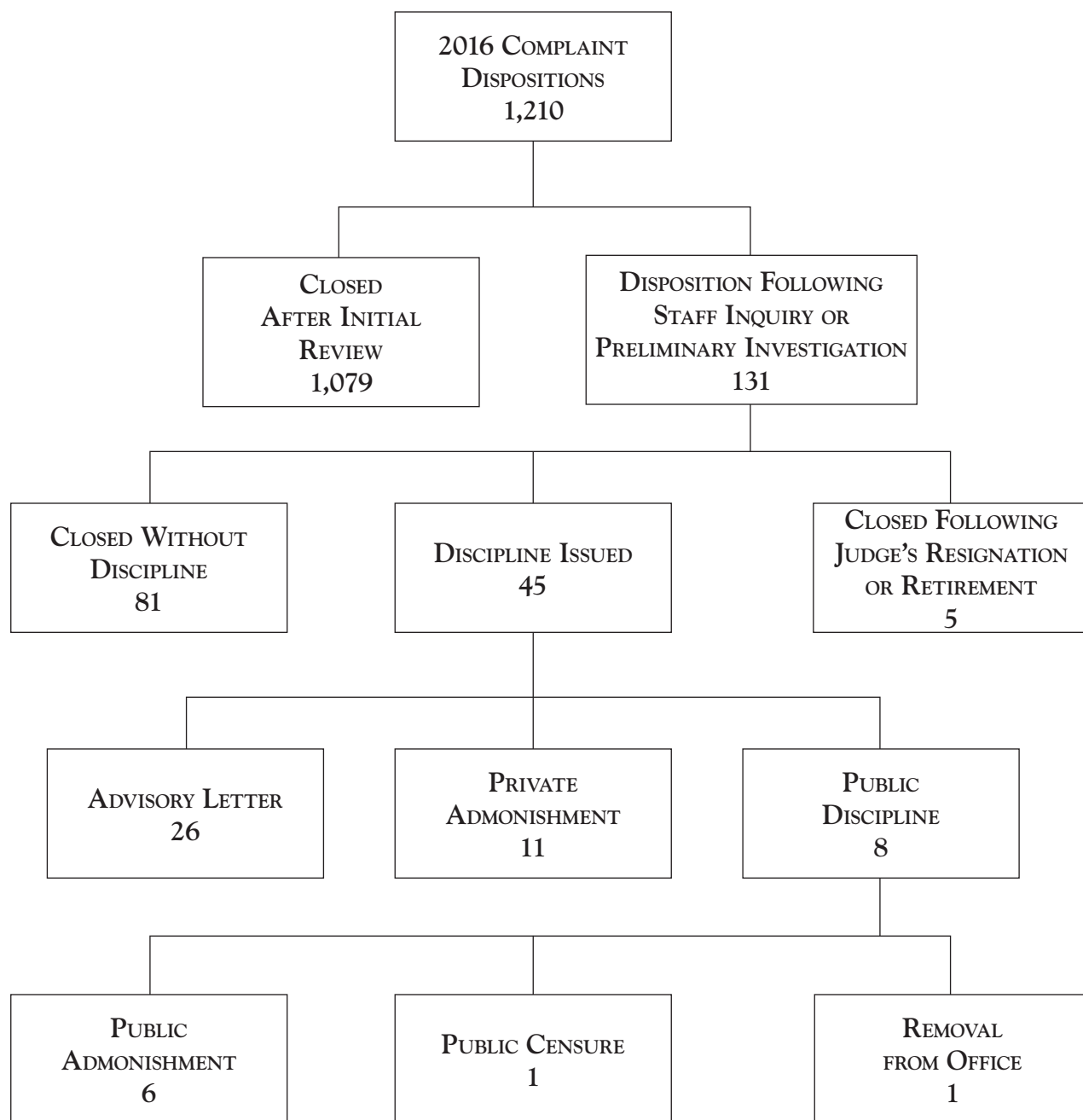
Resignations and Retirements

The California Constitution authorizes the commission to continue proceedings after a judge retires or resigns and, if warranted, to impose discipline upon the former judge. When a judge resigns or retires during proceedings, the commission determines whether to continue or close the case and, if the case is closed, whether to refer the matter to another entity such as the State Bar. In 2016, the commission closed five matters without discipline when the judge resigned or retired with an investigation pending.

10-YEAR SUMMARY OF COMMISSION ACTIVITY

A chart summarizing statistics on commission activities over the past 10 years appears on page 14.

2016
COMPLAINT DISPOSITIONS



TYPES OF CONDUCT RESULTING IN DISCIPLINE IN 2016*

The types of conduct are listed in order of prevalence. The numbers indicate the number of times each type of conduct resulted in discipline. A single act of misconduct was counted once and assigned to the category most descriptive of the misconduct. If multiple types of misconduct were involved in a single case, each different type of conduct was counted and assigned to the appropriate category. However, if the same type of conduct occurred on multiple occasions in a single case, it was counted only once.

BIAS OR APPEARANCE OF BIAS
NOT DIRECTED TOWARD A
PARTICULAR CLASS
(includes embroilment, prejudice,
favoritism)
[10]

DISQUALIFICATION/DISCLOSURE/
POST-DISQUALIFICATION CONDUCT
[10]

EX PARTE COMMUNICATIONS
[10]

FAILURE TO ENSURE RIGHTS
[8]

DEMEANOR/DECORUM
[7]

DECISIONAL DELAY, FALSE SALARY AFFIDAVITS
[6]

ON-BENCH ABUSE OF AUTHORITY IN
PERFORMANCE OF JUDICIAL DUTIES
[6]

MISCELLANEOUS OFF-BENCH CONDUCT
[4]

ABUSE OF CONTEMPT/SANCTIONS
[3]

ADMINISTRATIVE MALFEASANCE
(includes conflicts between judges, failure to supervise
staff, delay in responding to complaints about commis-
sioners)
[3]

OFF-BENCH ABUSE OF OFFICE/
MISUSE OF COURT INFORMATION
[3]

IMPROPER POLITICAL ACTIVITIES
[2]

NONPERFORMANCE OF JUDICIAL FUNCTIONS/
ATTENDANCE/SLEEPING
[2]

GIFTS/LOANS/FAVORS/TICKET
FIXING
[1]

IMPROPER BUSINESS, FINANCIAL OR FIDUCIARY
ACTIVITIES
[1]

MISUSE OF COURT
RESOURCES
[1]

* See “Closed with Discipline” at page 11 of text.

Colorado Commission on Judicial Discipline Annual Report for 2015

Background and Jurisdiction

Formed in 1967 by the amendment to the Colorado Constitution that established a merit system for the appointment of judges, the Colorado Commission on Judicial Discipline (Commission) monitors the judiciary's compliance with the Canons in the Colorado Code of Judicial Conduct (Canons or Code). Originally, the Commission was named the Commission on Judicial Qualifications.

The Commission is responsible for disciplinary proceedings to enforce Article VI, § 23(3)(d) of the Colorado Constitution, which provides that a justice or judge of any court of record may be disciplined or removed from office for misconduct, or may be retired for a disability that interferes with the performance of his or her duties. Colorado Rules of Judicial Discipline (Colo. RJD) govern the Commission's disciplinary proceedings. The Code and Colo. RJD are published in "Court Rules, Book 1" of *Colorado Revised Statutes*.

Colo. Const. Art. VI, § 23(3)(e) and Colo. RJD 35 provide for privately administered discipline, such as letters of admonition, reprimand, or censure, and for diversion programs, including training or docket management reports, that are designed to improve the conduct of the judge. The Commission may commence formal proceedings to address misconduct for which privately administered discipline would be inappropriate or inadequate. In formal proceedings, Colo. RJD 36 authorizes the Supreme Court to apply the sanctions of removal, retirement, public reprimand, or public censure or to retire a judge based on a permanent disability. A portion of the annual attorney registration fees paid to the Supreme Court by each Colorado lawyer and judge provides funding for the Commission's operations.

For a fuller understanding of the scope of the Commission's disciplinary authority, it is important to note the following:

- The Commission's jurisdiction is limited to disciplinary matters concerning judges of the county courts (exclusive of Denver County Court), district courts, Denver Probate Court, Denver Juvenile Court, and Colorado Court of Appeals, along with justices of the Colorado Supreme Court and senior judges (retired judges who serve during vacations or illnesses and assist with busy dockets). Excluded from this jurisdiction are magistrates, municipal judges, and administrative law judges (ALJs).

another judicial position. The Commission's proceedings, including its consideration of potential disciplinary measures, remain confidential, as required by the Constitution.

In addition, Colo. RJD 6.5(f) authorizes the Commission or a judge to request the Supreme Court to authorize the release of information about a disciplinary proceeding if the allegations of misconduct "have become generally known to the public and, in the interest of justice, should be publicly disclosed." Colo. RJD 6.5(i) authorizes the publication in this annual report of a summary of proceedings that resulted in a private disposition or a public sanction. If information is requested by Judicial Performance and the Commission determines, in its discretion, that such disclosure is consistent with the Commission's constitutional mandate, it may provide information about a judge's conduct on the condition that Judicial Performance may not publicly disclose such information without independent verification.

Review of Complaints in 2015

Types of Complaints

The Executive Director and the Commission's administrative assistant manage the intake of complaints and requests for information. When appropriate, callers are redirected to Judicial Performance, Attorney Regulation, or, if a municipal judge is involved, the city or town where the judge presides. The Commission also responds to inquiries from the judiciary regarding the provisions of the Code.

During 2015, the Commission received 175 written complaints. This is fewer than the average of 181 complaints received annually in the preceding seven years. Beginning in September 2014, the Commission began receiving complaints by email; 59 of the 175 complaints in 2015 were filed by email.

The Commission launched its website in 2010. The website provides essential information to the public, including an explanation of the Commission's procedures; a downloadable complaint form; frequently asked questions; recent annual reports; and links to the Colorado Constitution, Code, and Colo. RJD. The website has significantly increased the transparency of the Commission's authority and proceedings. The public's contact with the Commission in 2015 included approximately 1,800 web hits and 289 phone inquiries. Phone inquiries have declined substantially from the roughly 700 to 800 calls received before the website was established.

In 2015, complaints were lodged against judges in each of the state's 22 judicial districts. Two complaints were filed against judges of the Court of Appeals and none were filed against a justice of the Supreme Court.

Of the 175 complaints received in 2015, 79 arose in the criminal law docket, many of which were filed by inmates in county jails or the Colorado Department of Corrections. A total of 49 complaints involved litigation in the general civil docket, of which three were in small claims court and five were filed by inmates as habeas corpus petitions or claims against Department of Corrections personnel. Other complaints included five in traffic cases, 49 in domestic relations cases, nine in juvenile court matters, and eight in probate matters. Several complaints pertained to issues involving more than one category of litigation or more than one type of court.

In addition to complaints from litigants, many of whom had appeared in court pro se, six were filed by attorneys; nine were filed by relatives, friends, or court observers; two were filed by judges (including a judge's self-report of the judge's own behavior that involved potential grounds for misconduct); and one was initiated by the Commission.

The frequency of various grounds alleged in the 175 complaints is summarized below. Some complaints involved multiple grounds.

- administrative issues with colleagues and staff: 1
- appearance of impropriety: 1
- bias or prejudice: 29
- courtroom demeanor/intemperance: 12
- disputed rulings/appellate issues
 - appointment, inadequacy or misconduct of counsel: 8
 - bonds, sentencing, restitution, probation, unlawful detainer: 10
 - civil protection orders: 7
 - collections: 5
 - competency/mental health: 4
 - contempt proceedings: 1
 - foreclosures: none
 - habeas corpus petitions: 5
 - jurors: selection/service/misconduct: 1
 - juvenile—dependency & neglect, child placement: 9
 - landlord/tenant: 2
 - parenting plans: 12
 - permanent orders and post decree motions: 3
 - probate—estates, guardians, conservators: 8
 - procedural or constitutional rules: 18

- relevance/admissibility of evidence: 6
- service of process: 1
- sovereign citizen claims: 1
- statutory or case law issues: 1
- disability/ADA: 1
- ex parte communications: 4
- failure to manage the docket diligently, including lengthy delays in issuing rulings: 27
- prejudicial relationships with attorneys or litigants: 1
- recusal procedures: 7
- allegations directed at the conduct of officials other than state judges:
 - attorneys, district attorneys, public defenders, ALJs, or magistrates: 8
 - law enforcement or Department of Corrections staff: 2

The dispositions authorized by Colo. RJD 16 and 35 are described in “Complaints and Disciplinary Proceedings—Consideration and Decision,” above. Most incidents of misconduct are addressed by private disciplinary letters or diversion plans.

The Executive Director dismissed 153 complaints under Colo. RJD 13(b) during the preliminary evaluation phase. While the Commission is provided with copies of the Executive Director’s dismissal letters for discussion at its next meeting, it also receives requests for reconsideration of dismissal from complainants. Four such requests were evaluated and the dismissals affirmed.

Through its December 2015 meeting, the Commission had considered 19 complaints, including complaints carried over from 2014. After further investigation, the Commission dismissed 14 of these 19 complaints because they did not include evidence of misconduct that would satisfy the preponderance of the evidence standard in Colo. RJD 16(c), or they involved issues under the jurisdiction of the appellate courts. Examples of complaints that are usually dismissed include a judge’s candor about the credibility of a witness; a brief instance of intemperance in stressful circumstances without evidence of a pattern of willful or persistent misconduct; errors by court staff where there is no reasonable basis to attribute them to the judge; emotionally charged hearings involving parenting issues; insisting on deadlines for efficient case management; and reasonable measures to control the actions and demeanor of attorneys and litigants, including pro se parties.

erating with Attorney Regulation or law enforcement, or responding to requests from the Supreme Court or judicial nominating commissions concerning the disciplinary record, if any, of a judge who is under consideration for another judicial position. It is important to note that the Commission’s proceedings, including its consideration of potential disciplinary measures, remain confidential, as required by the Constitution.

In addition, Colo. RJD 6.5(f) authorizes the Commission or a judge to request the Supreme Court to authorize the release of information about a disciplinary proceeding if the allegations of misconduct “have become generally known to the public and that, in the interest of justice should be disclosed.” Colo. RJD 6.5(i) authorizes the publication in this annual report of a summary of proceedings that result in a private disposition or a public sanction. If information is requested by Judicial Performance and the Commission determines, in its discretion, that such disclosure is consistent with the Commission’s constitutional mandate, it may provide information about a judge’s conduct on the condition that Judicial Performance may not publicly disclose such information without independent verification.

Review of Complaints in 2014

Types of Complaints

The Executive Director and the Commission’s administrative assistant manage the intake of complaints and requests for information. When appropriate, callers are redirected to Judicial Performance, Attorney Regulation, or, if a municipal judge is involved, the city or town where the judge presides. The Commission also responds to inquiries from the judiciary regarding the provisions of the Code.

During 2014, the Commission received 172 written complaints. This is fewer than the average of 189 complaints received annually in the preceding seven years. Beginning in September 2014, the Commission began receiving complaints by e-mail; 11 of the 172 complaints were filed by e-mail.

The Commission launched its website in 2010. The website provides essential information to the public, including an explanation of the Commission’s procedures; a downloadable complaint form; frequently asked questions; recent annual reports; and links to the Colorado Constitution, Code, and Colo. RJD. The website has significantly increased the transparency of the Commission’s authority and proceedings. The public’s contact with the Commission in 2014 included approximately 1,700 Web hits and 425 phone inquiries, compared with approximately 700 to 800 phone inquiries in the years prior to establishing the website.

Complaints were lodged against judges in twenty of the state’s twenty-two judicial districts. Four complaints were filed against judges of the Court of Appeals and one against a justice of the Supreme Court. Of the 172 complaints received in 2014, 87 arose in the criminal law docket, of which 63 were filed by inmates in Colorado correctional facilities. A total of 42 complaints involved litigation in the general civil docket, of which 5 were in small claims court and 3 were filed by inmates as *habeas corpus* petitions or claims against Department of Corrections personnel. Other complaints included 3 in traffic cases, 46 in domestic relations cases, 3 in juvenile court matters, and 8 in probate matters. Several complaints concerned issues involving more than one category of litigation.

In addition to complaints from litigants, many of whom had appeared in court *pro se*, one complaint was filed by the Office of the State Court Administrator (SCAO) based on reports from court staff; 6 by attorneys; one by a district attorney; and 8 by relatives, friends, or court observers.

The frequency of various grounds alleged in the 172 complaints is summarized below. Some complaints alleged multiple grounds.

- Administrative issues with colleagues and staff..... 1
- Appearance of impropriety..... 1
- Bias or prejudice..... 47
- Courtroom demeanor/intemperance..... 14
- Disputed rulings/appellate issues
 - Appointment or inadequacy of counsel..... 10
 - Bonds, sentencing, restitution, probation, unlawful detainer 9
 - Civil protection orders 5
 - Collections 3
 - Competency/mental health..... 9
 - Contempt proceedings..... 4
 - Foreclosures..... 1
 - *Habeas corpus* petitions..... 3
 - Jurors—selection/service/misconduct 2
 - Juvenile—dependency and neglect, child placement..... 3
 - Landlord/tenant 3
 - Parenting plans 14
 - Permanent orders..... 3
 - Probate—estates, guardians, conservators..... 8
 - Procedural or constitutional rules..... 21
 - Relevance/admissibility of evidence 6
 - Statutory or case law issues..... 4
- Disability/ADA..... 3
- Docket management/speedy trial..... 24
- *Ex parte* communications 6
- Prejudicial relationships with attorneys or litigants 1
- Recusal 8
- Allegations directed at the conduct of officials other than state judges
 - Attorneys, DAs, public defenders, ALJs, or magistrates 3
 - Court staff..... 3
 - Medical or mental health witnesses 11

Most incidents of misconduct are addressed by private disciplinary letters. (See examples in the dispositions described in “Consideration and Decision” above.)

In 2014, the Executive Director dismissed 159 of the 172 complaints during the preliminary evaluation phase. Through its November 2014 meeting, the Commission had considered 15 complaints, including 5 carried over from 2013. After further investigation, the Commission dismissed 9 of these 15 complaints as unfounded or involving issues under the jurisdiction of the appellate courts. The Commission applied private disciplinary measures concerning two complaints and completed formal proceedings concerning a complaint continued from 2013. Two of the dismissals were accompanied by expressions of concern, under Colo. RJD 35(a), to improve the judge’s future compliance with the Canons.

In addition, the Commission ordered a diversion program requiring quarterly docket reports to improve a judge’s diligence in case management. Another pending complaint was addressed by

misconduct “have become generally known to the public and that, in the interests of justice, the nature of the disciplinary proceedings should be disclosed.”

If information is requested by Judicial Performance and the Commission determines, in its discretion, that such disclosure is consistent with the Commission’s constitutional mandate, it may provide information about a judge’s conduct on the condition that Judicial Performance may not publicly disclose such information without independent verification.

Review of Complaints in 2013

Types of Complaints

The Executive Director and the Commission’s administrative assistant manage the intake of complaints and requests for information. When appropriate, callers are redirected to Judicial Performance, Attorney Regulation, or, if a municipal judge is involved, the city or town where the judge presides. The Commission also responds to inquiries from the judiciary regarding the provisions of the Code.

During 2013, the Commission received 189 written complaints. The Commission received 211 complaints in 2007, 217 in 2008, 190 in 2009, 170 in 2010, 181 in 2011, and 169 in 2012. In 2013, the Commission received approximately 370 telephone inquiries and written requests from potential complainants who were seeking information or who requested a copy of the complaint form. This compares with 675 inquiries in 2009, 560 in 2010, 400 in 2011, and 393 in 2012.

The Commission attributes the decline in telephone inquiries to the launching of its website in March 2010, which provides essential information to the public, including an explanation of the Commission’s procedures; a downloadable complaint form; frequently asked questions; recent annual reports; and links to the Colorado Constitution, Code, and Colo. RJD. In 2010, the website registered approximately 100 hits per month, 165 per month in 2011, 180 per month in 2012, and 190 per month in 2013.

The complaints received in 2013 addressed the conduct of judges of the District Court, Probate Court, Juvenile Court, or County Court in 21 of the state’s 22 judicial districts. Six complaints were lodged against judges of the Court of Appeals and one against the Supreme Court.

Of the 189 complaints in 2013, 79 arose in the criminal law docket, of which 49 were filed by inmates in Colorado correctional facilities. A total of 55 complaints involved litigation in the general civil docket, of which six were in small claims court and eight were filed by inmates as *habeas corpus* petitions or claims against Department of Corrections personnel. Other complaints included three in traffic cases, 35 in domestic relations cases, seven in juvenile court matters, and four in probate matters. Several complaints involved issues involving more than one category of litigation.

In addition to complaints from litigants, many of whom had appeared in court *pro se*, three complaints were filed by the Office of the State Court Administrator (“SCAO”) based on reports from court staff; one by an attorney; two by district attorneys; and one by parents of a litigant. One complaint was initiated by the Commission on its own motion and one was filed by a judge regarding the judge’s own conduct. Other complaints were filed by family, friends, the media, or courtroom observers.

The frequency of various grounds alleged in the 189 complaints is summarized below. Some complaints alleged multiple grounds.

- Administrative issues with colleagues and staff: 2
- Appearance of impropriety: 1
- Bias or prejudice: 34
- Courtroom demeanor/intemperance: 3
- Disputed rulings/appellate issues
 - Appointment or inadequacy of counsel: 13
 - Bonds, sentencing, restitution, probation: 32
 - Civil protection orders: 6
 - Collections: 7
 - Competency evaluations: 2
 - Foreclosures: 3
 - *Habeas corpus* petitions: 5
 - Juror selection/misconduct: 1
 - Juvenile – dependency & neglect, child placement: 7
 - Landlord/tenant: 6
 - Parenting plans: 21
 - Permanent orders: 4
 - Plea agreements: 3
 - Probate – estates, guardians, conservators: 4
 - Procedural rules: 26
 - Relevance/admissibility of evidence: 39
 - Statutory or case law issues: 2

- Docket management/delays in disposition: 18
- *Ex parte* communications: 4
- Extrajudicial activities: 1
- Financial, personal or family interests: 2
- Improper public or cyber statements: 1
- Inappropriate personal relationships with staff: 1
- Incompetence: 3
- Personal use of court resources: 1
- Prejudicial relationships with attorneys or litigants: 1
- Recusal : 8
- Allegations directed at the conduct of officials other than state judges:
 - Attorneys, DAs, public defenders, ALJs, or magistrates: 3
 - Court staff: 2
 - Police, sheriff, jail: 1
 - Staff of Department of Corrections: 3

Most incidents of misconduct are addressed by private disciplinary letters that include the dispositions described in **Complaints and Disciplinary Proceedings** above.

In 2013, the Executive Director dismissed 170 of the 189 complaints during the screening process. Through its November 2013 meeting, the Commission had considered 22 complaints, including three carried over from 2012.

After further investigation, the Commission dismissed 12 of these 22 complaints as unfounded or involving issues under the jurisdiction of the appellate courts. Three of the dismissals were accompanied by expressions of concern, under Colo. RJD 35(a), to improve the judge's future compliance with the Canons.

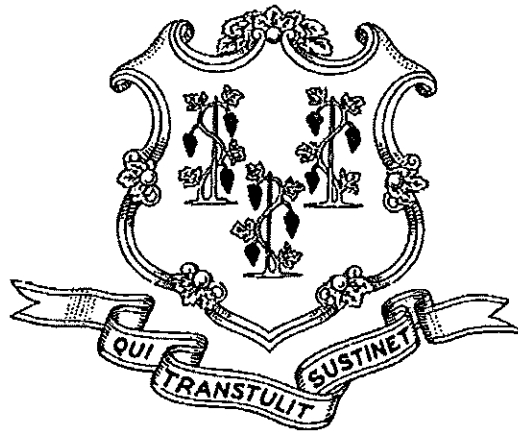
In addition, the Commission ordered a diversion program to improve a judge's docket management. Another complaint was terminated by the judge's retirement, while subject to a docket management diversion program, because of a chronic medical condition that had adversely affected the judge's ability to perform judicial duties.

The Commission applied private disciplinary measures concerning two complaints and commenced formal proceedings regarding one complaint. Five complaints were carried over to 2014 for further evaluation.

The disciplinary measures applied by the Commission in 2013 contrasted with corrective action taken in one case in 2007, four in 2008, three in 2009, seven in 2010, ten in 2011, and four in 2012. There were no judges who declined to stand for retention

STATE OF CONNECTICUT

JUDICIAL REVIEW COUNCIL



ANNUAL REPORT

2013

The staff of the Council consists of Remy N. Edwards, full-time Executive Assistant, and Scott J. Murphy, part-time Executive Director.

When the services of an investigator are required, they are contracted out.

The Council regularly meets at its office on the third Wednesday of each month (subject to change due to conflicts). During this reporting period, the Council held eleven regular meetings, two probable cause hearings and two public hearings.

VII.
STATISTICAL REPORT OF ACTIVITIES
July 1, 2012, to June 30, 2013

A. Conduct Complaints

1.	Number of conduct complaints pending at beginning of period	17
2.	Number of conduct complaints received during period	143
3.	Number of conduct complaints considered during period	160
4.	Number of conduct complaints disposed of during period	132
5.	Number of conduct complaints pending at end of period	28
6.	Disposition of conduct complaints:	
a.	Dismissed after investigation.....	110
b.	Dismissed as being barred by statute of limitation	22
c.	Dismissed due to death of respondent.....	0
d.	Withdrawal of complaint by complainant.....	0
e.	Private admonishment after investigation.....	0
f.	Exonerated after public hearing.....	0
g.	Public censure ordered after public hearing.....	0
h.	Suspension less than 1 year ordered after public hearing.....	2
i.	Recommendation of suspension of more than 1 year after public hearing.....	0
j.	Recommendation of removal after public hearing.....	0
k.	Dismissed due to resignation of respondent.....	0
7.	Total conduct dispositions.....	134

VII.

STATISTICAL REPORT OF ACTIVITIES
July 1, 2013 to June 30, 2014

A. Conduct Complaints

1.	Number of conduct complaints pending at beginning of period	28
2.	Number of conduct complaints received during period.	150
3.	Number of conduct complaints considered during period.	178
4.	Number of conduct complaints disposed of during period.	171
5.	Number of conduct complaints pending at end of period.	7
6.	Disposition of conduct complaints:	
	a. Dismissed after investigation.	144
	b. Dismissed as being barred by statute of limitation.	27
	c. Dismissed due to death of respondent.	0
	d. Withdrawal of complaint by complainant.	0
	e. Private admonishment after investigation.	0
	f. Exonerated after public hearing.	0
	g. Public censure ordered after public hearing.	0
	h. Suspension less than one year ordered after public hearing.	0
	i. Recommendation of suspension of more than one year after public hearing	0
	j. Recommendation of removal after public hearing.	0
	k. Dismissed due to resignation of respondent.	0
7.	Total conduct dispositions.	171

B. Disability Retirement

1.	Number of cases pending at beginning of period.	0
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The staff of the Council consists of Sharon Dexler, full-time Administrative Assistant, and Dennis J. O'Connor, part-time Executive Director.

When the services of an investigator are required, they are contracted out.

The Council regularly meets at its office on the third Wednesday of each month (subject to change due to conflicts). During this reporting period, the Council held eleven regular meetings, no probable cause hearings and no public hearings.

**VII.
STATISTICAL REPORT OF ACTIVITIES
July 1, 2014 to June 30, 2015**

A.	<u>Conduct Complaints</u>	
1.	Number of conduct complaints pending at beginning of period	7
2.	Number of conduct complaints received during period	120
3.	Number of conduct complaints considered during period.....	127
4.	Number of conduct complaints disposed of during period.....	93
5.	Number of conduct complaints pending at end of period	34
6.	Number of complainants.....	74
a.	Number who filed a single complaint	52
b.	Number who filed multiple complaints.....	22
1)	Number who filed 2 complaints.....	14
2)	Number who filed 3 complaints.....	4
3)	Number who filed 5 complaints.....	1
4)	Number who filed 7 complaints.....	2
5)	Number who filed 9 complaints.....	1
	Percentage of total complainants who filed multiple complaints	29%
	Percentage of total complaints filed by multiple complainants (68 complaints from multiple filers divided into 120 complaints filed in 2014-2015)	56%
7.	Disposition of conduct complaints:	
a.	Dismissed after investigation	71
b.	Dismissed as being barred by statute of limitations.....	22
c.	Dismissed due to death of respondent.....	0
d.	Withdrawal of complaint by complainant.....	0
e.	Number of Probable Cause Hearings.....	0
f.	Private admonishment after investigation	0
g.	Number of Public Hearings.....	0



Florida Judicial Qualifications Commission

Annual Report
FY 2014-2015

A report on the activities of the Florida Judicial Qualifications Commission during the 2014-2015 fiscal year.

2016 Calendar

Scheduled Meetings:

January 28 & 29

March 3 & 4

April 14 & 15

July 7 & 8

August 18 & 19

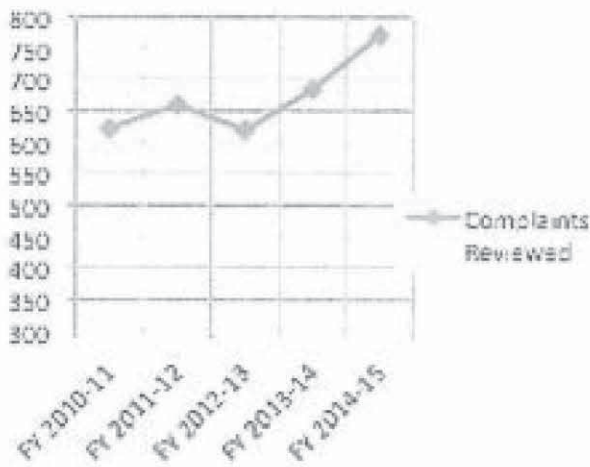
September 15 & 16

October 27 & 28

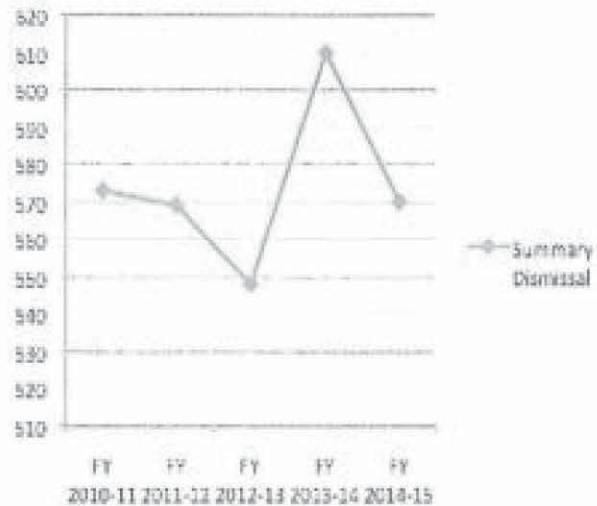
December 1 & 2



Complaints Reviewed



Summary Dismissals



Complaint Procedure

All complaints are acknowledged by return letter, and are initially screened by staff to determine whether the complaint falls within the Commission's jurisdiction. If the complaint does not allege judicial misconduct, but is found to be "frivolous or unfounded," the complaint goes to the Commission for consideration as to whether it should be summarily dismissed.

If, upon screening, staff finds that a complaint alleges misconduct within the Commission's jurisdiction, a file is opened and staff counsel may make inquiry from any source that indicates a judge may have committed sanctionable conduct or may have a disability.

All complaints are docketed and are acted upon by the Investigative Panel of the Commission regardless of whether the complaint is summarily dismissed or whether further investigation is warranted.

As can be seen in the chart on the left, the total number of complaints to the Commission has increased from 621 in FY 2011 to 771 in FY 2015. The graph on the right shows that the number of summary dismissals is down. The cited numbers do not reflect complaints submitted about federal judges, magistrates, hearing officers, or attorneys, all of which fall outside the Commission's jurisdiction.

Annual
Report

2014

Judicial Qualifications Commission
State of Georgia

Judge Peterman resigned her position as Chief Magistrate thus concluding the inquiry by the Commission.

On January 9, 2014, Judge Melvin Johnson, Judge of the Municipal Court of Lithonia, Georgia was removed from his judicial position for failure to obtain judicial training mandated by OCGA 6-32-11 (c).

B. COMPLAINT INFORMATION

The Commission receives a significant number of complaints each year from individuals who complain about a number of judges alleging various types of misconduct. Set out below are some key statistics about those complaints.

Judicial Complaints FY2014

Number of Complaint Forms Received	412
Number of Complaints Rejected: No Merit or Lack of Jurisdiction	314
Number of Complaints Docketed	60
Number of Complaints Investigated but not Docketed	38

- The numbers above reflect complaints received and processed in FY2014. This data does not reflect complaints that have not been processed or acted upon.

The data compiled by the Commission for FY2014 reflects a slight downward trend of complaints filed with the Commission alleging judicial misconduct. Complaints are docketed when the complaint form alleges conduct that falls within the jurisdiction of the Commission and when a preliminary investigation does not indicate that the complaint is without merit. Once docketed, the complaint will be considered by the Commission at a regularly scheduled meeting.

On May 21, 2013, Judge Bob Smith, Probate Court of Hart County, received a reprimand for engaging in inappropriate campaign activities on behalf of his son, who was a candidate for another judicial office in Hart County.

Confidential Disciplinary Matters:

The Commission also issued confidential discipline in three matters: two letters of admonition and one private reprimand. The conduct which resulted in a letter of admonition involved a part-time Municipal judge who issued a warrant in a case and then, after meeting with the defendant in his capacity as an attorney, he ordered the matter transferred to State Court and made an entry of appearance as counsel of record for the same defendant. The second letter of admonition involved a judicial candidate who was accused of causing signs of her opponent to be removed from private property during a contested judicial race. The Commission also issued a private reprimand involving a judge who improperly used his judicial status in an attempt to detain a citizen he believed was committing a traffic violation.

B. COMPLAINT INFORMATION

The Commission receives a significant number of complaints each year alleging various types of judicial misconduct. Set out below are some key statistics about those complaints.

Judicial Complaints FY2013

Number of Complaints Filed	451
Number of Complaints Rejected: No Merit or Lack of Jurisdiction	334
Number of Complaints Docketed	51
Number of Complaints Investigated but not Docketed	66

- The numbers above reflect complaints received and processed in FY2013. This data does not reflect complaints which have not been processed or acted upon.



Commission Members

Stephen D. Wolnitzek, Chair
Covington

Judge Janet L. Stumbo
Prestonsburg

Judge Eddy Coleman
Pikeville

Judge David P. Bowles
Louisville

Joseph D. Adams
Bardstown

Michael T. Noftsger
Somerset

Alternate Members

R. Kent Westberry
Louisville

Judge Jeff S. Taylor
Owensboro

Judge Mitch Perry
Louisville

Judge Karen A. Thomas
Newport

Commission Staff

Ms. Jimmy Shaffer
Executive Secretary

J. Rachel Noyes
Executive Assistant

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

Judicial Conduct Complaints:

In the 2015-2016 fiscal year, the Commission considered 249 complaints. The Commission concluded 208 complaints, thirteen of which resulted in imposed sanctions:

- **Four Private Admonitions**
- **One Private Reprimand**
 1. [October 9, 2015](#) - Violations of Canons 1 and 3B(4).
- **Two Public Reprimands**
 1. [Judge Kenneth L. Easterling](#) - Violation of Canon 3B(4).
 2. [Judge Sheila A. Collins](#) - The Commission initiated formal proceedings against Judge Collins on January 11, 2016. Following a hearing, held on April 19, 2016, Findings of Fact, Conclusions of Law and Final Order was entered on April 21, 2016, publicly reprimanding Judge Collins for violations of Canons 2A and 3B(4).
- **Three Suspensions**
 1. [Judge Cathy E. Prewitt](#) - 7-Day Agreed Order of Suspension, without pay, for violations of Canons 1, 2A, 3B(2),(7).
 2. [Judge Sam Potter](#) - 30-Day Agreed Order of Suspension, without pay, for violations of Canons 1, 2A, 3B(2),(4),(7),(8) and 4A(3).
 3. [Judge Steven D. Combs](#) - The Commission initiated formal proceedings against Judge Combs on April 27, 2015. Following a hearing, held on September 21, 2015, Judge Combs entered into a 6-month Agreed Order of Suspension, without pay, for multiple violations of Canons 1, 2A, 2D, 3B(2),(4),(8), 3E(1), 4A(1),(2),(3), and 5A(1)(c).
- **Temporary Suspension**
 1. Judge Olu A. Stevens - The Commission initiated formal proceedings against Judge Stevens on February 18, 2016. On April 18, 2016, Judge Stevens entered into an Agreed Order of Temporary Suspension, with pay, pending final adjudication. The temporary suspension remained in effect at the end of the fiscal year.
- **Temporary Retirement**
 1. Judge Lisa O. Bushelman - Order of Temporary Retirement issued May 2, 2016; effective May 3, 2016 to September 1, 2016. The temporary retirement remained in effect at the end of the fiscal year.

Forty-one complaints were pending at the end of the fiscal year. Twenty-six were received prior to the end of the fiscal year but too late to be considered in the 2015-2016 fiscal year. Fifteen were carried over after initial consideration.

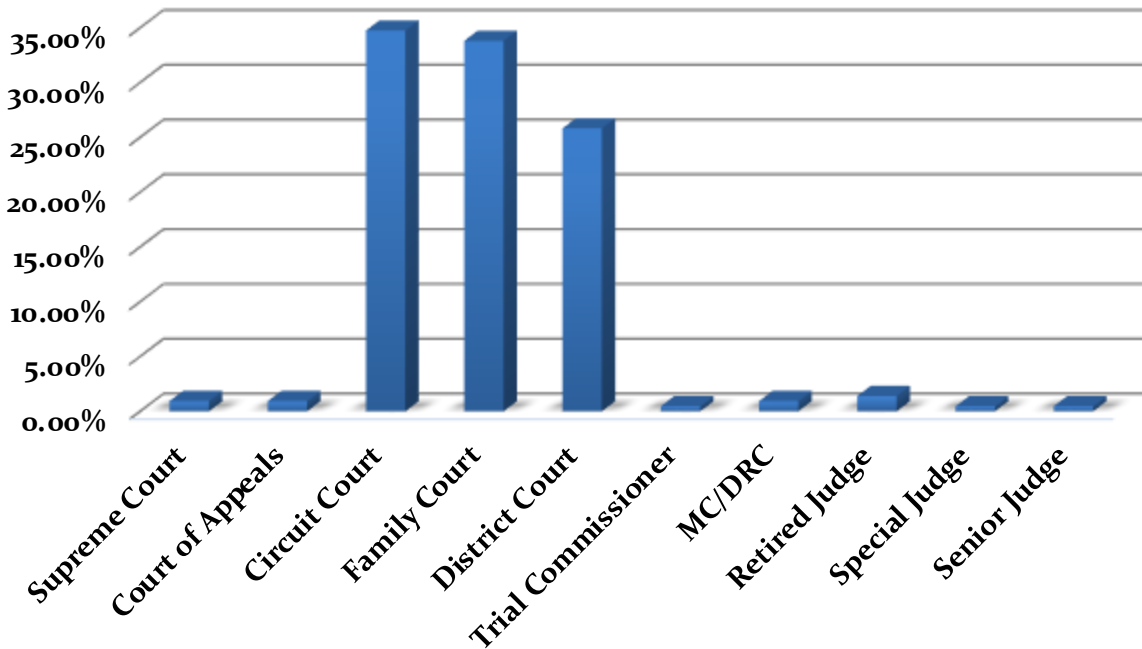
Complaints:

- **18** - Number of complaints pending final consideration at the beginning of the fiscal year
- **26** - Number of complaints pending initial consideration at the beginning of the fiscal year
- **205** - Number of new complaints received during the fiscal year
- **15** - Number of complaints pending final consideration at the end of the fiscal year
- **26** - Number of complaints pending initial consideration at the end of the fiscal year
- **208** - Number of complaints disposed of during the fiscal year

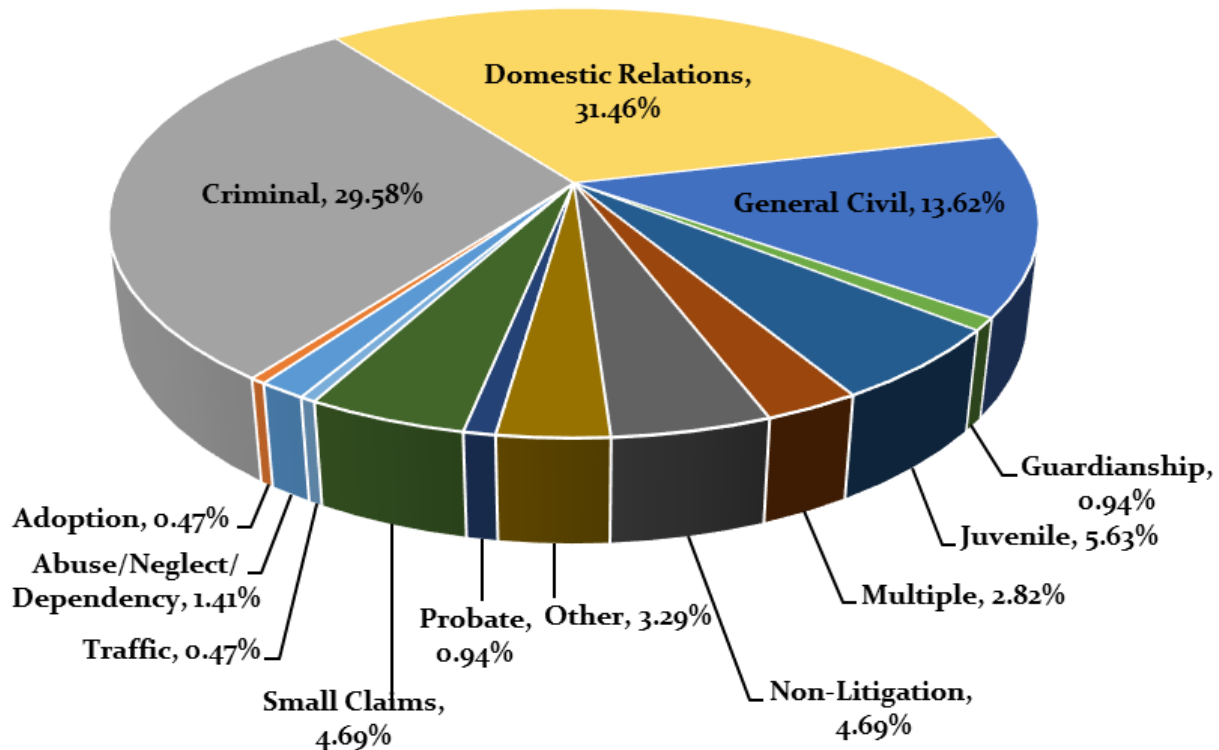
Jurisdiction:

Judicial positions in the Commonwealth of Kentucky within the jurisdiction of the Commission: 7-Supreme Court, 14-Court of Appeals, 95-Circuit Court, 51-Family Court, 116-District Court, 60-Trial Commissioner, 120-Master Commissioner, and 18-Domestic Relations Commissioner. Additionally, the Commission has jurisdiction over attorneys who have filed as candidates for judicial office.

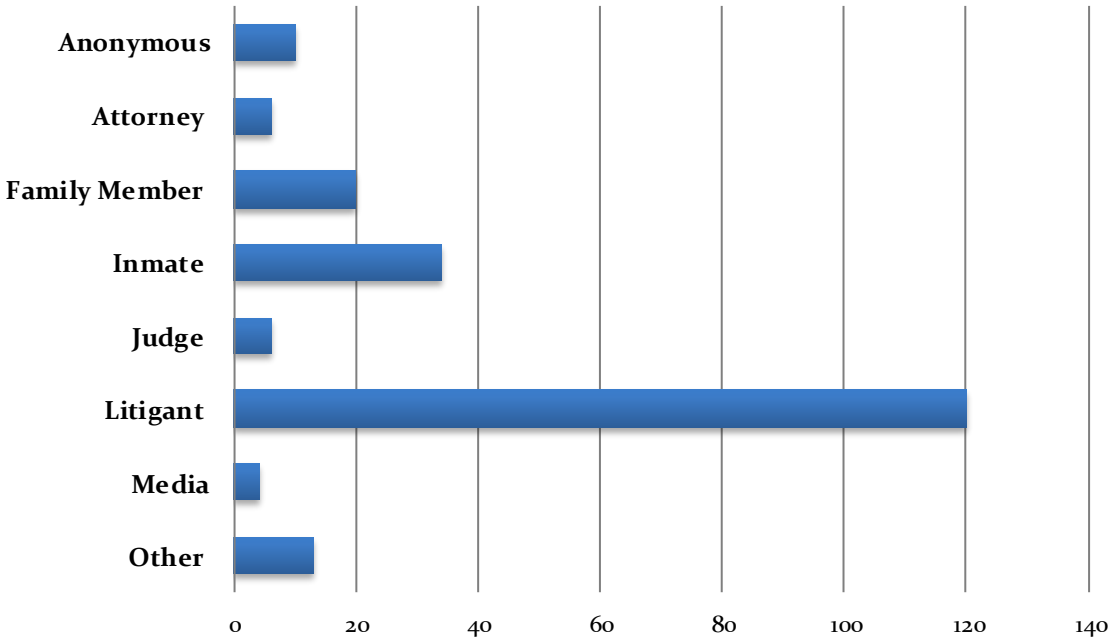
Number of Complaints by Judicial Position:



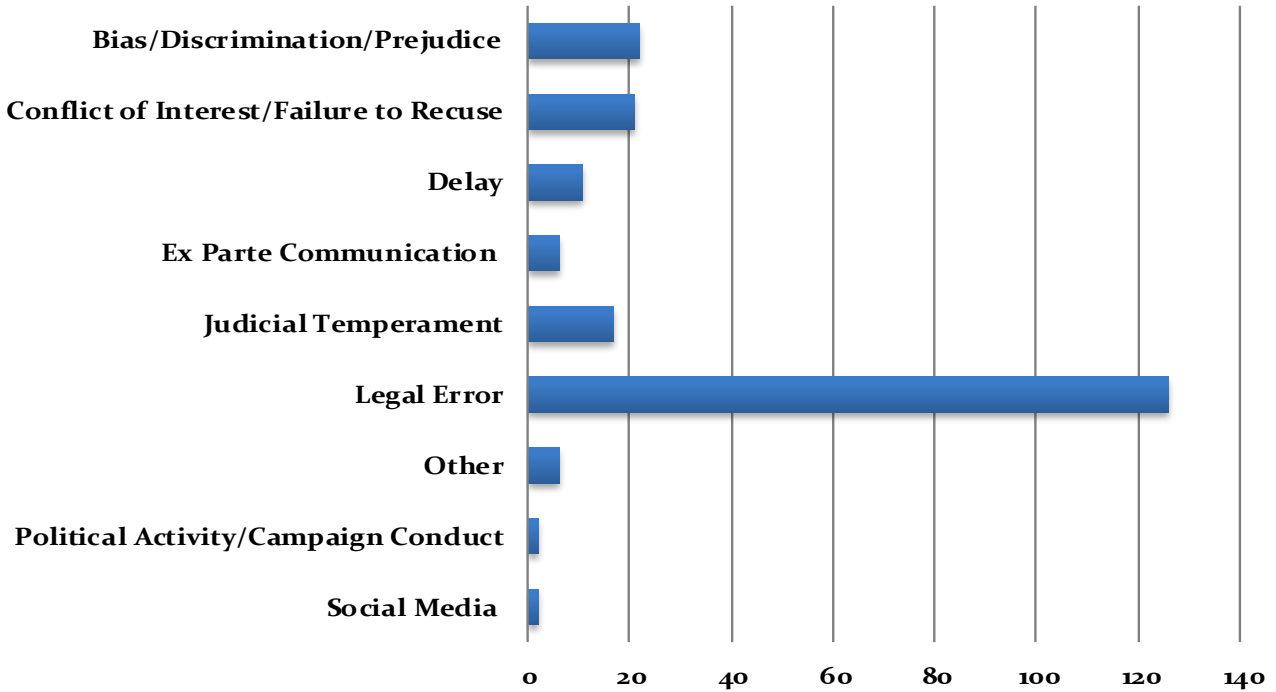
What Types of Proceedings Resulted in Complaints?



Who Filed Complaints?



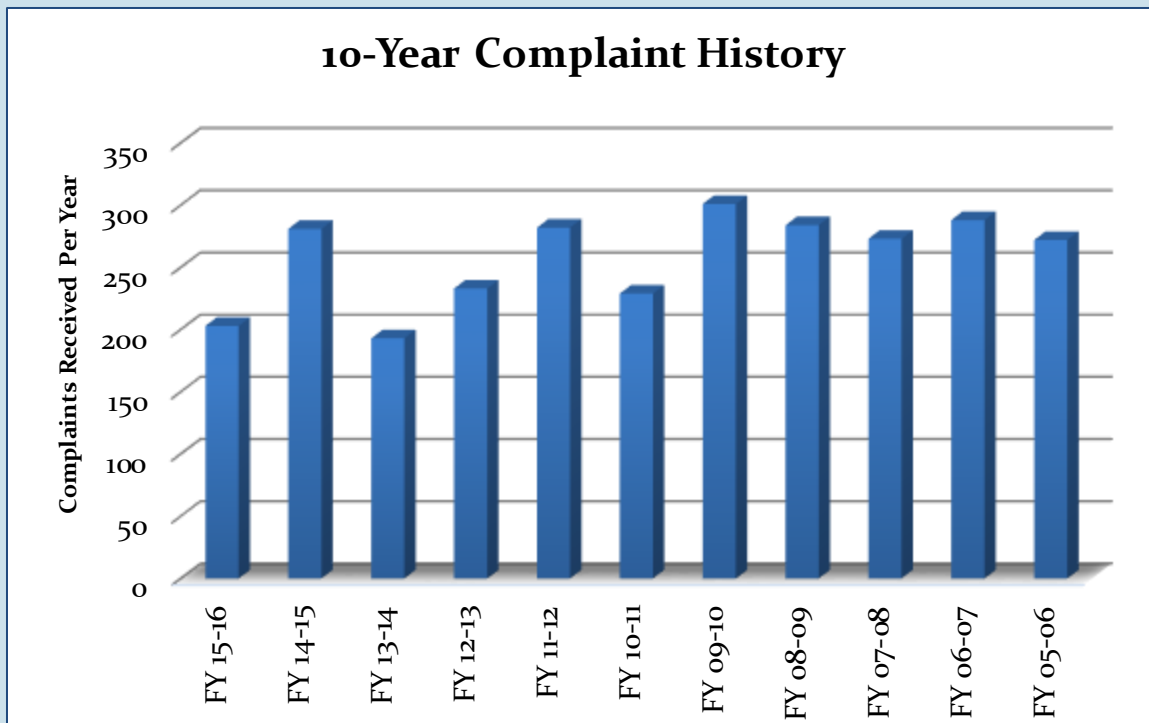
What were the Allegations?



Complainant Representation in Court:

- ◇ 55.87% were represented by counsel
- ◇ 16.90% unknown (unspecified in the complaint)
- ◇ 15.96% appeared *pro se*
- ◇ 10.33% not applicable (non-litigation)
- ◇ 0.94% were represented by counsel, then appeared *pro se*





About the Judicial Conduct Commission

The mission of the Kentucky Judicial Conduct Commission is to protect the public, to encourage judges, commissioners and candidates for judicial office to maintain high standards of conduct, and to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary.

The Commission accomplishes this mission through its investigation of complaints of judicial misconduct, wrongdoing or disability. In cases where judges, commissioners and candidates for judicial office are found to have engaged in misconduct or to be incapacitated, the Kentucky Constitution authorizes the Commission to take appropriate disciplinary action, including issuing admonitions, reprimands, censures, suspensions, or removal from office.

<http://courts.ky.gov/commissionscommittees/JCC/Pages/default.aspx>



Judicial Conduct Complaints:

In the 2014-2015 fiscal year, the Commission considered 284 complaints. The Commission concluded 266 complaints, fourteen of which resulted in imposed sanctions:

Commission Members

Stephen D. Wolnitzek, Chair
Covington

Judge Janet L. Stumbo
Prestonsburg

Judge Eddy Coleman
Pikeville

Judge David P. Bowles
Louisville

Diane E. Logsdon
Elizabethtown

Joyce King Jennings
Louisville

Alternate Members

J. David Boswell
Paducah

Judge Laurance B. VanMeter
Lexington

Judge Jeffrey M. Walson
Winchester

Judge Karen A. Thomas
Newport

Commission Staff

Ms. Jimmy Shaffer
Executive Secretary

J. Rachel Noyes
Executive Assistant

- **Seven Private Admonitions**
- **Four Private Reprimands**
 1. [July 23, 2014](#) - Violation of Canon 5A(1)(d), which prohibits a candidate for judicial office from making a contribution to a political candidate.
 2. [August 15, 2014](#) - Violation of Canon 5A(1)(b), which prohibits a candidate for judicial office from acting as a leader in a political organization.
 3. [December 5, 2014](#) - Violation of Canon 2D, which prohibits a judge from conveying the impression that others are in a special position to influence the judge; violations of Canon 4A(1), which prohibits a judge from participating in activities which cast reasonable doubt on the judge's ability to act impartially; and violation of 5A(1)(c), which prohibits a judge from publicly endorsing a candidate for public office.
 4. [April 2, 2015](#) - Violation of Canon 2D, which prohibits a judge from conveying the impression that others are in a special position to influence the judge and Canon 5A(1)(c), which prohibits a judge from publicly endorsing a candidate for public office.
- **Two Public Reprimands**
 1. [Judicial Candidate Dana M. Cohen](#) - Violations of Canon 5A(1)(c), which prohibits a candidate for judicial office from publicly endorsing a candidate for public office and Canon 5A(1)(d), which prohibits a candidate for judicial office from making a contribution to a political candidate.
 2. [Judge Sandra L. McLaughlin](#) - Violation of Canon 3B(4), which requires a judge to be dignified and courteous to litigants and Canon 3B(5), which prohibits words or conduct manifesting bias or prejudice.
- **One 15-day Suspension**
 1. The Commission initiated formal proceedings against [Judge Gregory T. Popovich](#) on February 19, 2015. Following a hearing, held on May 28, 2015, Findings of Fact, Conclusions of Law and Final Order were entered on June 18, 2015, which ordered a 15-day suspension for violations of Canons 1, 2A, 2D, 3A, 3B(2),(4) and SCR 4.020(1)(b)(i).

The Commission initiated formal proceedings against [Judge Steven D. Combs](#) on April 27, 2015. An Order of Temporary Suspension from Duties Pending Final Adjudication was entered following a temporary suspension hearing held on June 16, 2015. The temporary suspension remained in effect at the end of the fiscal year.

Forty-four complaints were pending at the end of the fiscal year, twenty-six of which were received prior to the end of the fiscal year but too late to be considered in the 2014-2015 fiscal year, and eighteen of which were carried over after initial consideration.

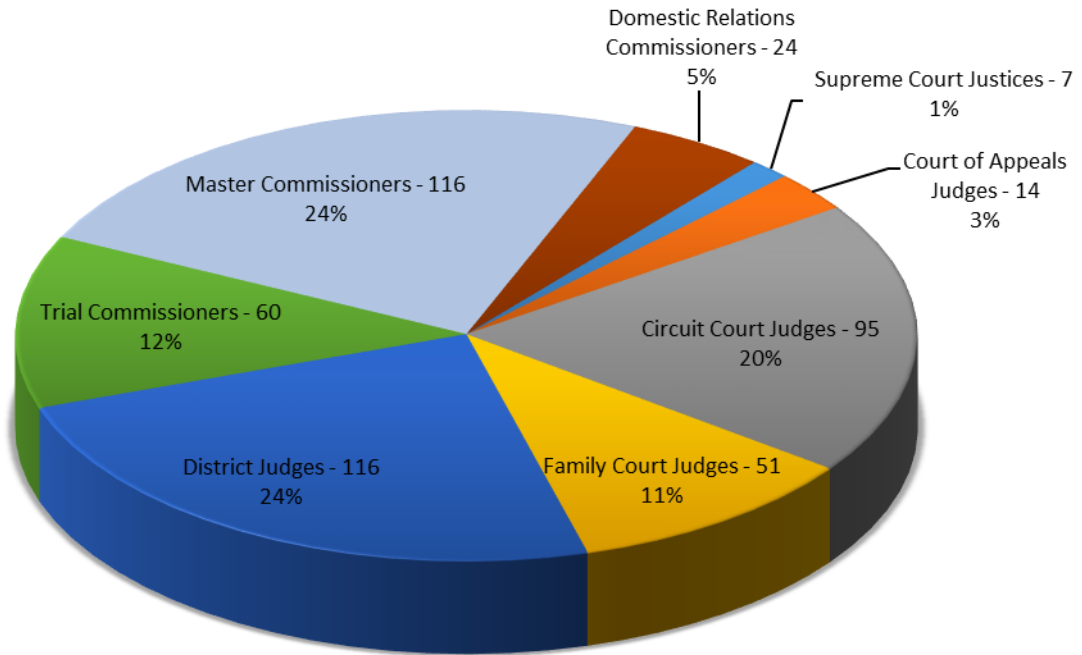
Complaints:

- **29** - Number of complaints pending at the beginning of the fiscal year
- **281** - Number of complaints received during the fiscal year
- **266** - Number of complaints disposed of during the fiscal year
- **18** - Number of complaints pending final consideration at the end of the fiscal year
- **26** - Number of complaints pending initial consideration at the end of the fiscal year

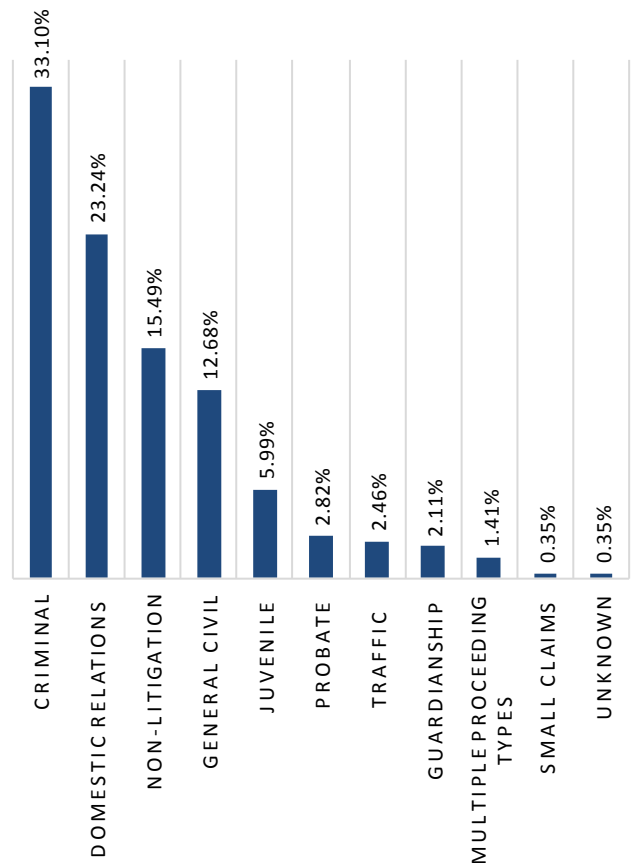
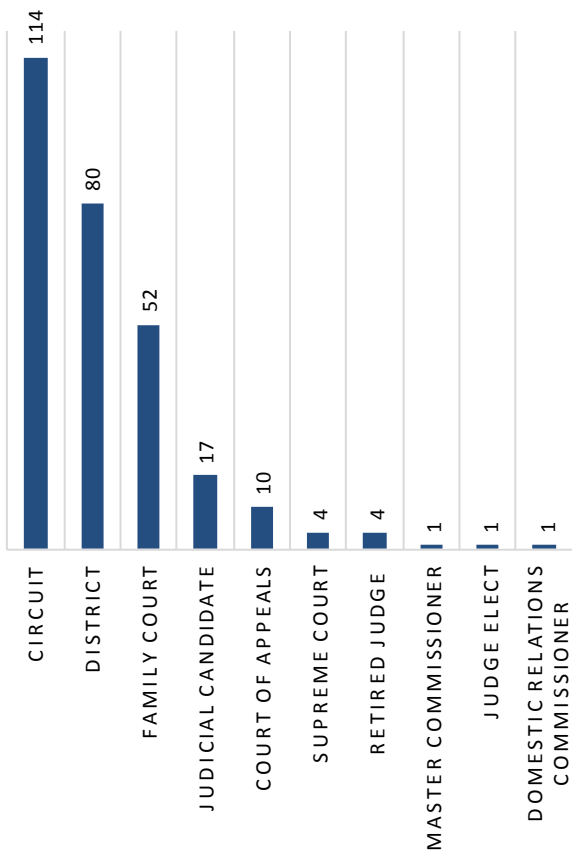
Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

Jurisdiction:

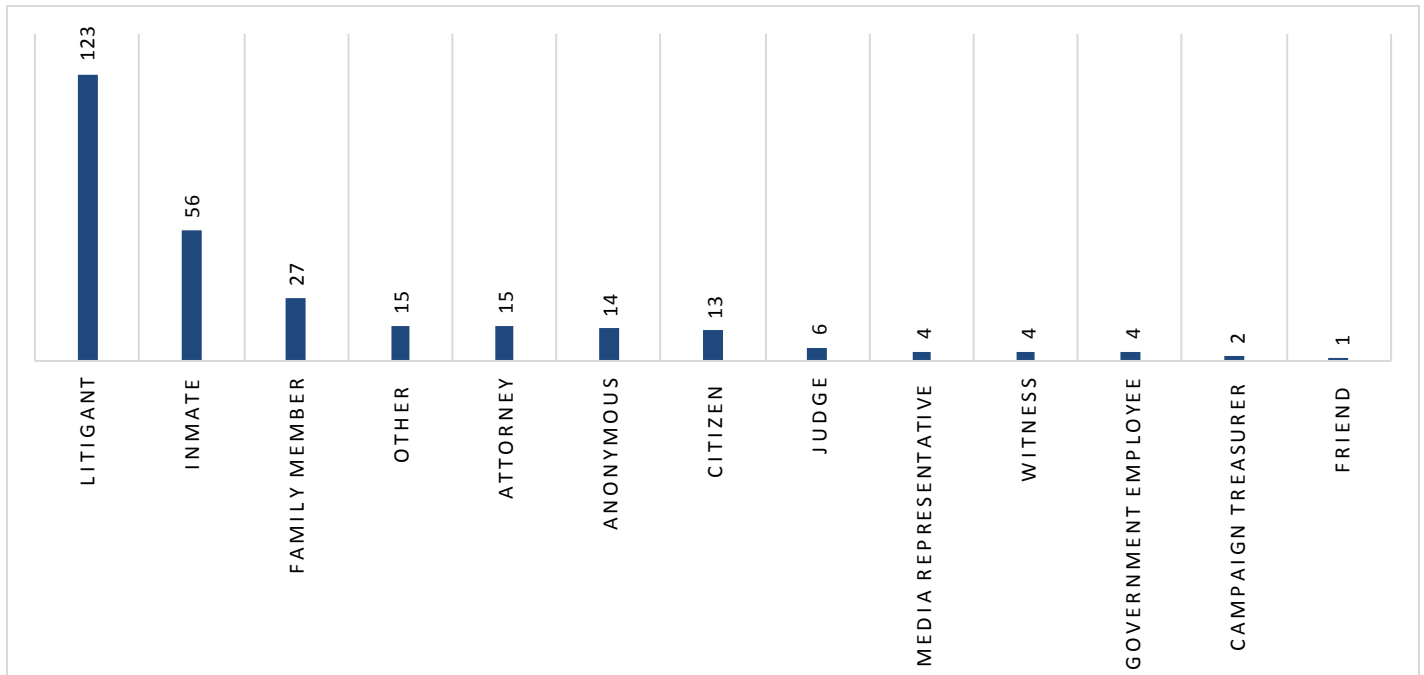
There are 367 judicial positions in the Commonwealth of Kentucky within the jurisdiction of the Commission. Additionally, the Commission has jurisdiction over attorneys who have filed as candidates for judicial office.



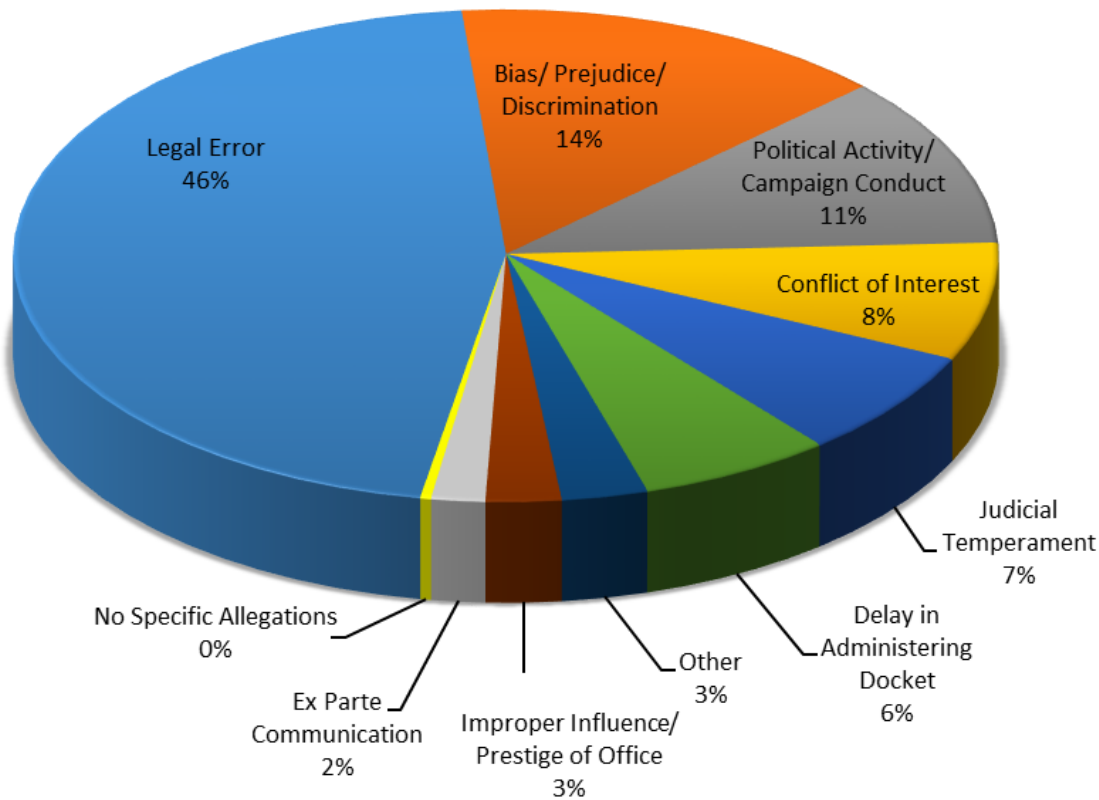
Number of Complaints by Judicial Position: What Types of Proceedings Resulted in Complaints?



Who Filed Complaints?



What were the Allegations?



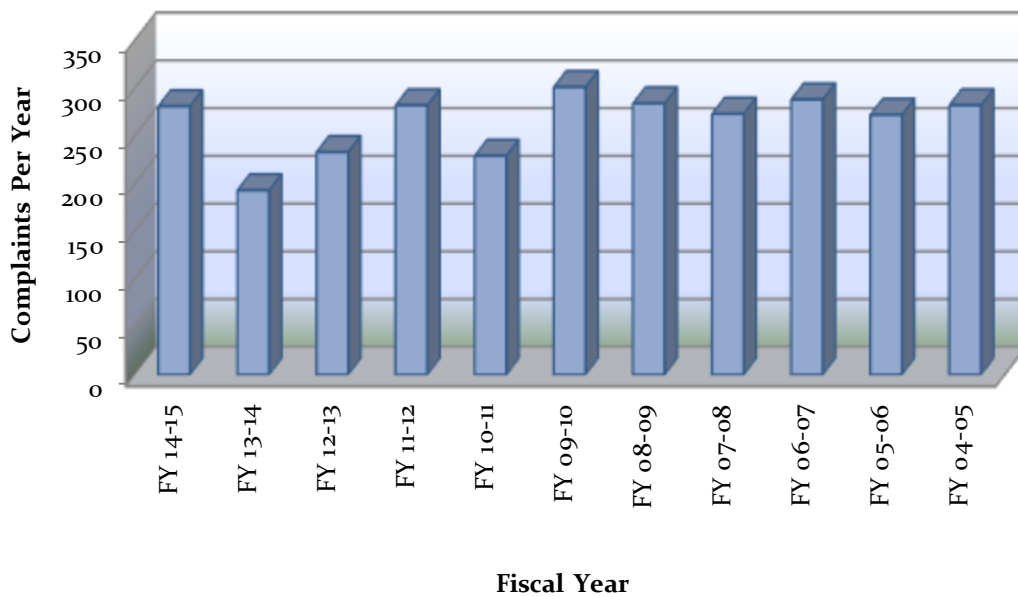
Complainant Representation in Court:

- 43.31% were represented by counsel
- 22.54% appeared *pro se*
- 19.37% not applicable (non-litigation)
- 13.38% unknown
- 1.41% were represented by counsel, then appeared *pro se*

2014-2015 Presentations:

- **District Judges College** - “When Trouble Comes: How to Avoid It and How to Respond to It” presented by Judge David Bowles and Ms. Jimmy Shaffer, on September 15, 2014.
- Presentation of the Kentucky Pretrial System to the Cook County, IL trial judges in Chicago by Judge David Bowles on June 10-11, 2015.

10-Year Complaint History



About the Judicial Conduct Commission

The mission of the Kentucky Judicial Conduct Commission is to protect the public, to encourage judges, commissioners and candidates for judicial office to maintain high standards of conduct, and to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary.

The Commission accomplishes this mission through its investigation of complaints of judicial misconduct, wrongdoing or disability. In cases where judges, commissioners and candidates for judicial office are found to have engaged in misconduct or to be incapacitated, the Kentucky Constitution authorizes the Commission to take appropriate disciplinary action, including issuing admonitions, reprimands, censures, suspensions, or removal from office.

<http://courts.ky.gov/commissionscommittees/JCC>



Judicial Conduct Commission Annual Report

Fiscal Year 2013-2014

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

Judicial Conduct Complaints:

In the 2013-2014 fiscal year, the Commission considered 209 complaints—193 new complaints and 28 complaints carried over from the 2012-2013 fiscal year. The Commission concluded 192 complaints, five of which resulted in imposed sanctions:

- Two Private Admonitions
 1. Violation of Canon 4C(3)(b)(i) and (iv) for using the prestige of the judicial office for the solicitation of donations for a charitable organization.
 2. Violation of Canon 3B(5) for making a statement during a court proceeding which could be perceived as gender bias.
- Two Public Reprimands ([Judge Martin McDonald](#) and [Judge Frank A. Fletcher](#))
- One 30-day Suspension ([Judge Rebecca S. Ward](#))

Twenty-nine complaints were pending at the end of the fiscal year, eighteen of which were received prior to the end of the fiscal year but too late to be considered before the first meeting in the new fiscal year and eleven of which were carried after initial consideration.

Jurisdiction:

There are 367 judicial positions in the Commonwealth of Kentucky within the jurisdiction of the Commission. Additionally, the Commission has jurisdiction over attorneys who have filed as candidates for judicial office. Of 193 total complaints filed for fiscal year 2013-2014, 81 complaints were filed against circuit court judges of general jurisdiction, 51 were filed against circuit family court judges, 50 were filed against district court judges, and 17 were filed against judicial candidates.

Complaints:

- **28** - Number of complaints pending at the beginning of the fiscal year
- **193** - Number of complaints received during the fiscal year
- **192** - Number of complaints disposed of during the fiscal year
- **29** - Number of complaints pending at the end of the fiscal year

Commission Members

Stephen D. Wolnitzek, Chair
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Prestonsburg

Judge Eddy Coleman
Pikeville

Judge David P. Bowles
Louisville

Diane E. Logsdon
Elizabethtown

Joyce King Jennings
Louisville

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J. David Boswell
Paducah

Judge Laurance B. VanMeter
Lexington

Judge Jeffrey M. Walson
Winchester

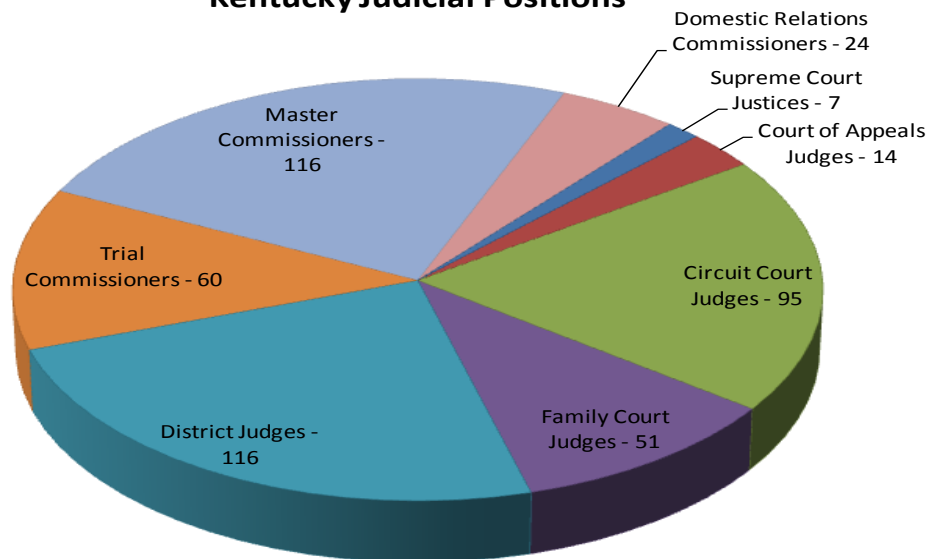
Judge Susan M. Johnson
Paintsville

Commission Staff

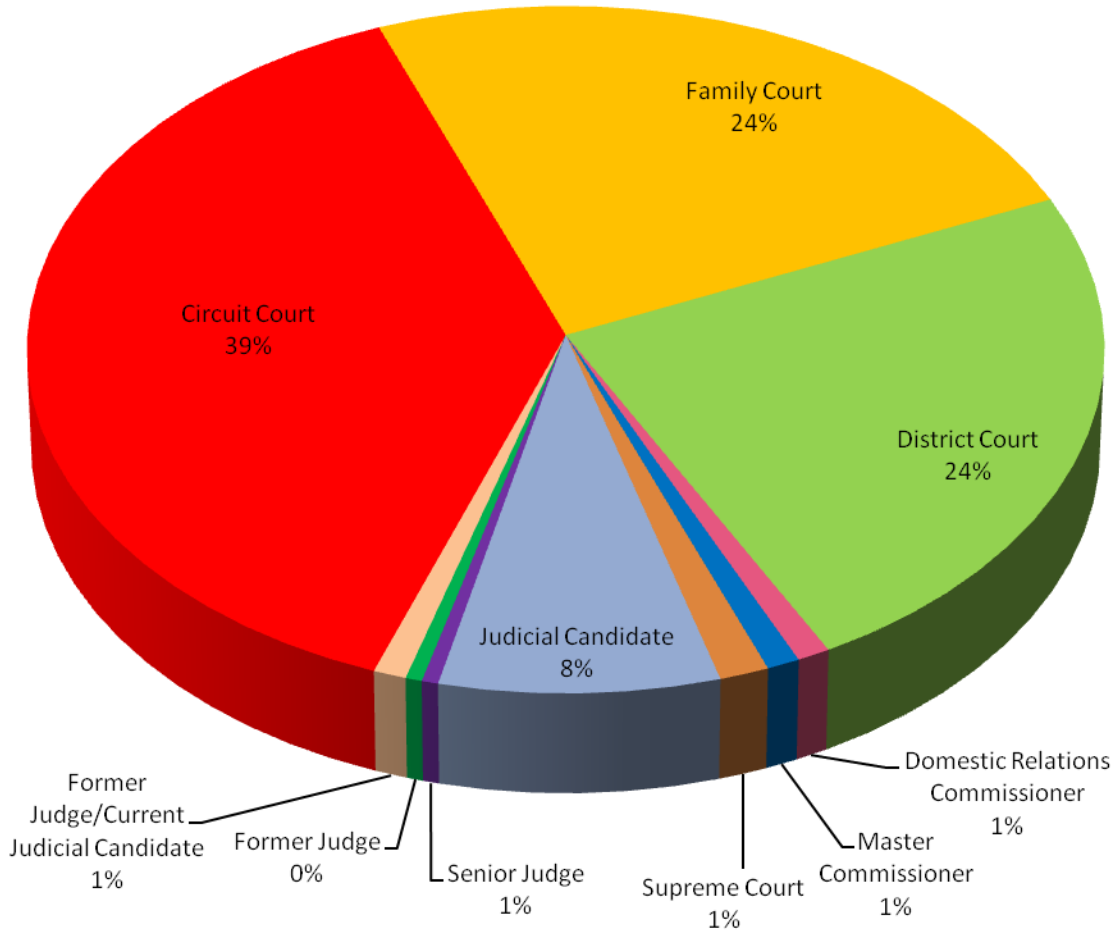
Ms. Jimmy Shaffer
Executive Secretary

J. Rachel Noyes
Executive Assistant

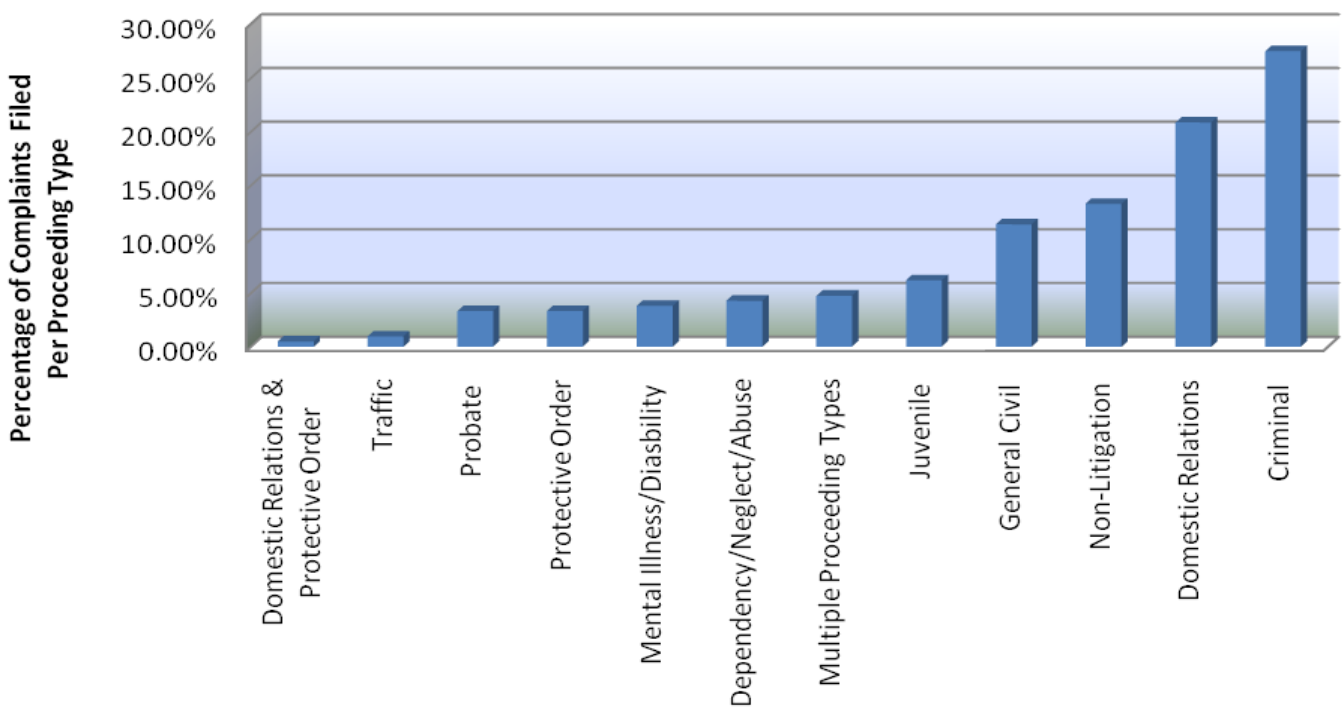
Kentucky Judicial Positions



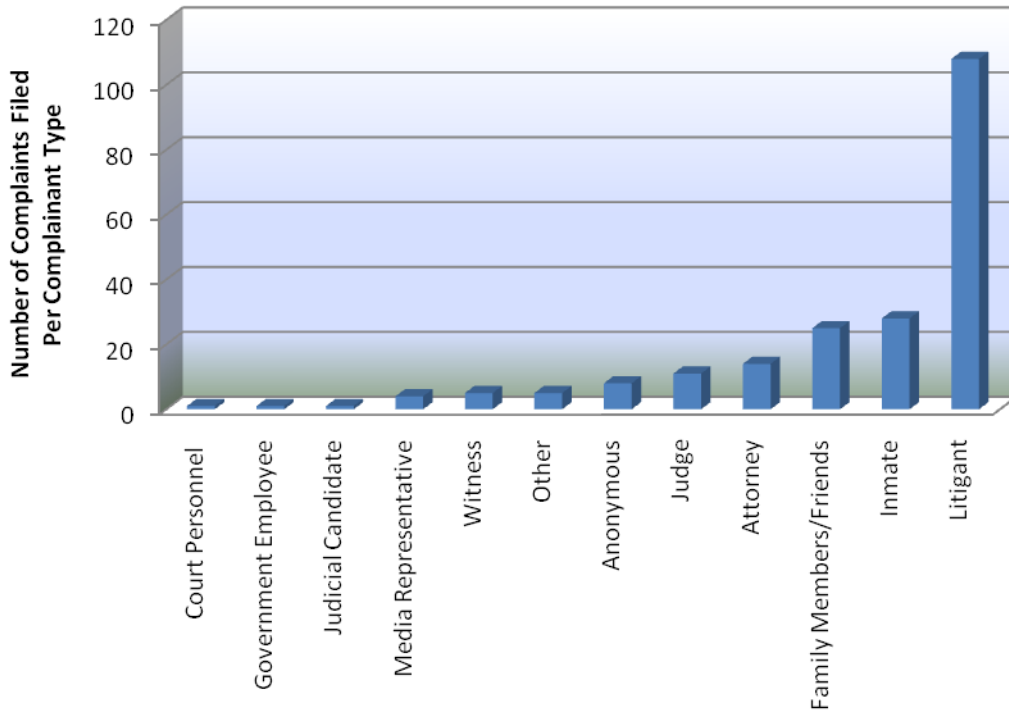
Percentages of Complaints by Judicial Position:



What Types of Proceedings Resulted in Complaints?



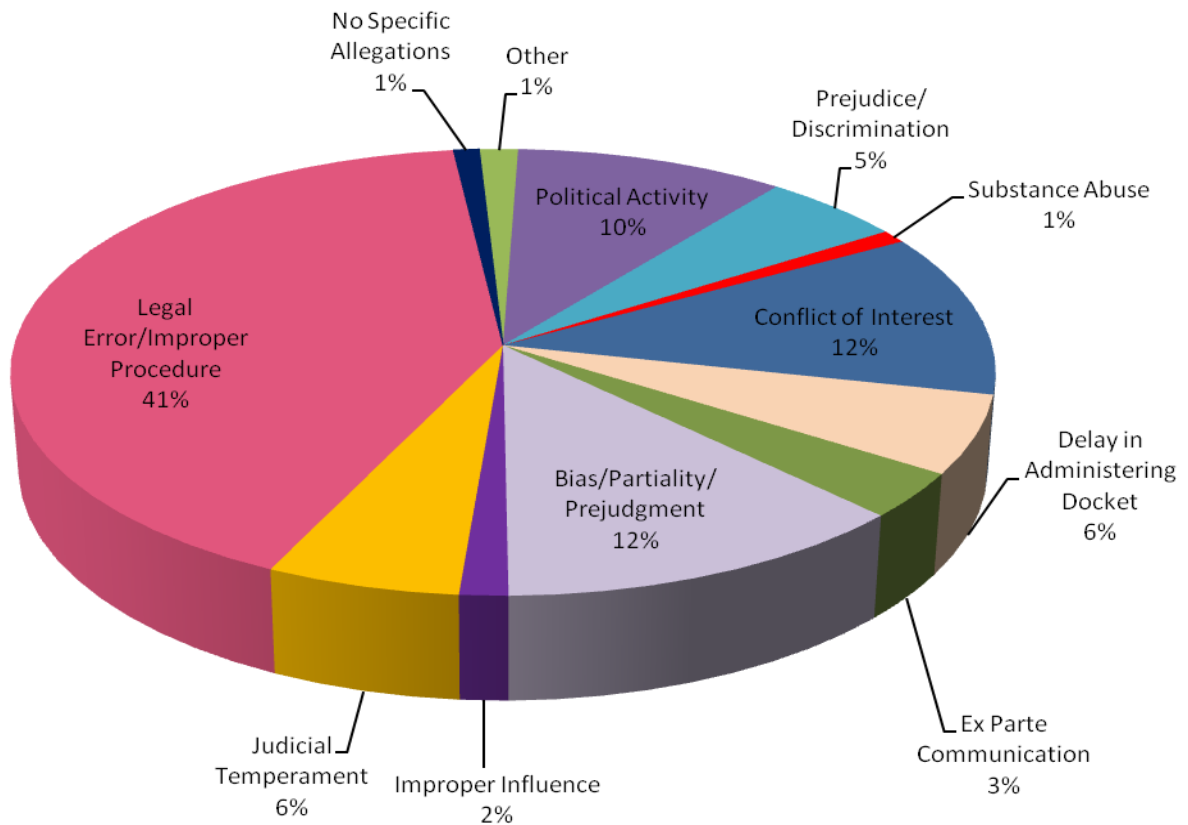
Who Filed Complaints?



Complainant Representation in Court:

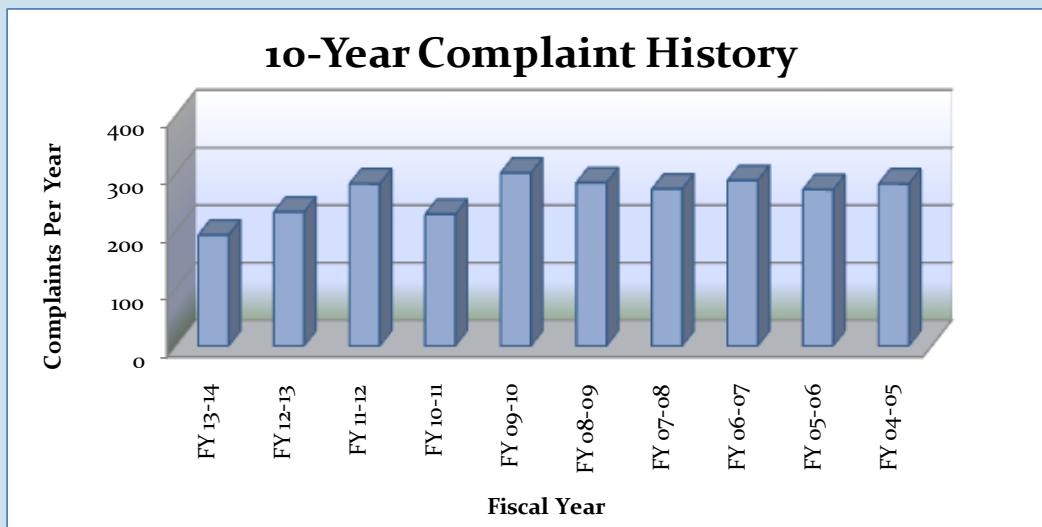
- 50.24% were represented by counsel
- 1.90% were represented by counsel, then appeared *pro se*
- 24.17% appeared *pro se*
- 7.58% unknown
- 16.11% not applicable (non-litigation)

What were the Allegations?



2013-2014 Presentations:

- **University of Louisville Brandeis Inns of Court** - Presentation on judicial elections, given by Mr. Stephen Wolnitzek, on October 29, 2013.
- **District Bar** - Presentation on general Commission procedures and statistics given by Judge Janet Stumbo, in Ashland, on September 16, 2013, and in Prestonsburg, on November 21, 2013.
- **Circuit Judges College** - “When Trouble Comes: How to Avoid It and How to Respond to It” presented by Judge Eddy Coleman, Justice Michele Keller, Mr. Stephen Wolnitzek, and Ms. Jimmy Shaffer, on November 20, 2013.
- **Louisville Bar Association** - “Recusing and Reporting Judges: The Legal, Ethical & Practical” presented by Judge David Bowles, with co-presenter J. Vincent Aprile II, on March 5, 2014.



About the Judicial Conduct Commission

The mission of the Kentucky Judicial Conduct Commission is to protect the public, to encourage judges, commissioners and candidates for judicial office to maintain high standards of conduct, and to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary.

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<http://courts.ky.gov/commissionscommittees/JCC>



Judicial Conduct Commission Annual Report

Fiscal Year 2012-2013

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

Judicial Conduct Complaints:

In the 2012-2013 fiscal year, the Commission considered 262 complaints—233 new complaints and 29 complaints carried over from the 2011-2012 fiscal year.

The Commission concluded 234 complaints, three of which resulted in imposed sanctions:

- **Two Private Reprimands:**
 - The judge exerted the influence of the judge's office in regard to the employment of certain individuals.
 - In a confidential juvenile matter pending before the judge, the judge contacted a third party not involved in the case about a matter related to the case.
- **One Public Reprimand** (Judge Timothy A. Langford)

Twenty-eight complaints were pending at the end of the fiscal year. Twenty-one complaints were received prior to the end of the fiscal year but too late to be considered before the first meeting in the new fiscal year.

Jurisdiction:

There are 367 judicial positions in the Commonwealth of Kentucky within the jurisdiction of the Commission. Of 233 total complaints filed for fiscal year 2012/2013, 95 complaints were filed against circuit court judges of general jurisdiction, 60 were filed against circuit family court judges, and 52 were filed against district court judges.

Complaints:

- **29** - Number of complaints pending at the beginning of the fiscal year
- **233** - Number of complaints received during the fiscal year
- **234** - Number of complaints disposed of during the fiscal year
- **28** - Number of complaints pending at the end of the fiscal year

Commission Members

Stephen D. Wolnitzek, Chair
Covington

Judge Janet L. Stumbo
Prestonsburg

Judge Eddy Coleman
Pikeville

Judge Susan M. Johnson
Paintsville

Diane E. Logsdon
Elizabethtown

Joyce King Jennings
Louisville

Alternate Members

J. David Boswell
Paducah

Judge Laurance B. VanMeter
Lexington

Judge Linda Rae Bramlage
Burlington

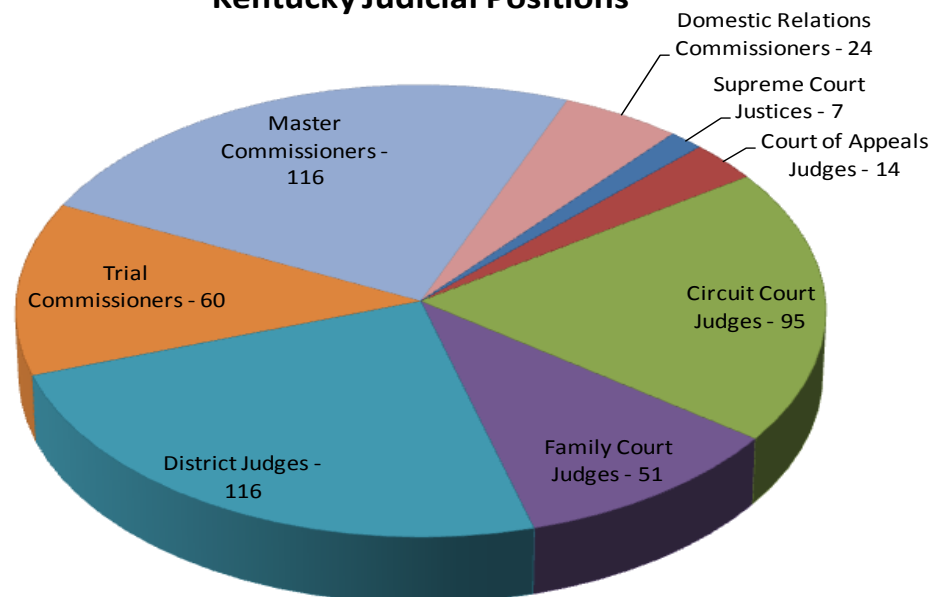
Judge David P. Bowles
Louisville

Commission Staff

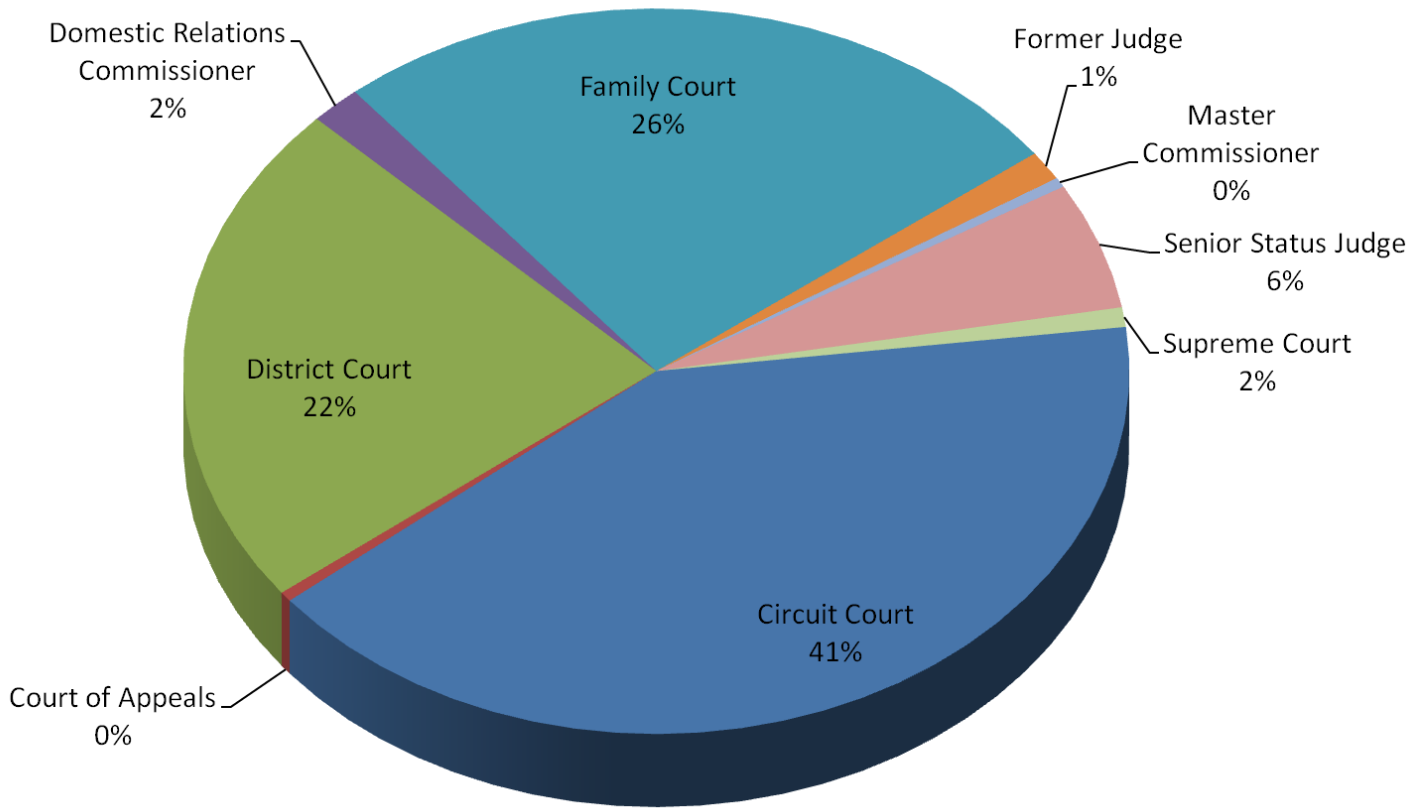
Ms. Jimmy Shaffer
Executive Secretary

J. Rachel Noyes
Executive Assistant

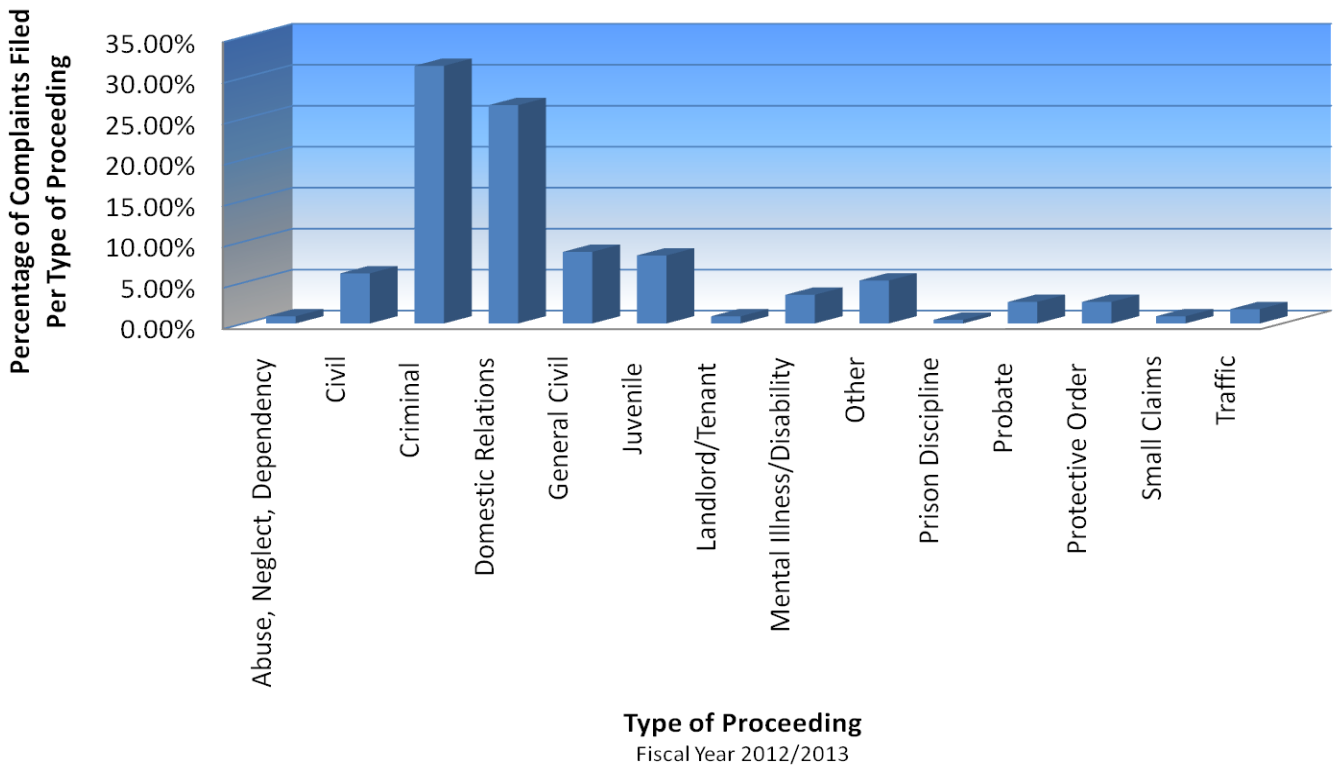
Kentucky Judicial Positions



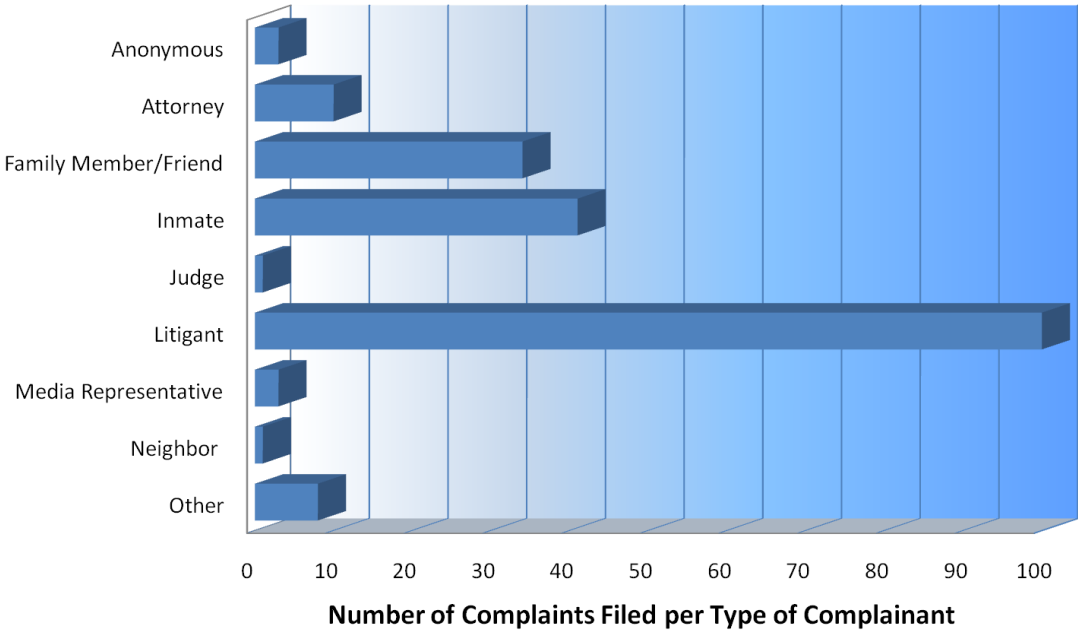
Percentages of Complaints by Judicial Position:



What Types of Proceedings Resulted in Complaints?

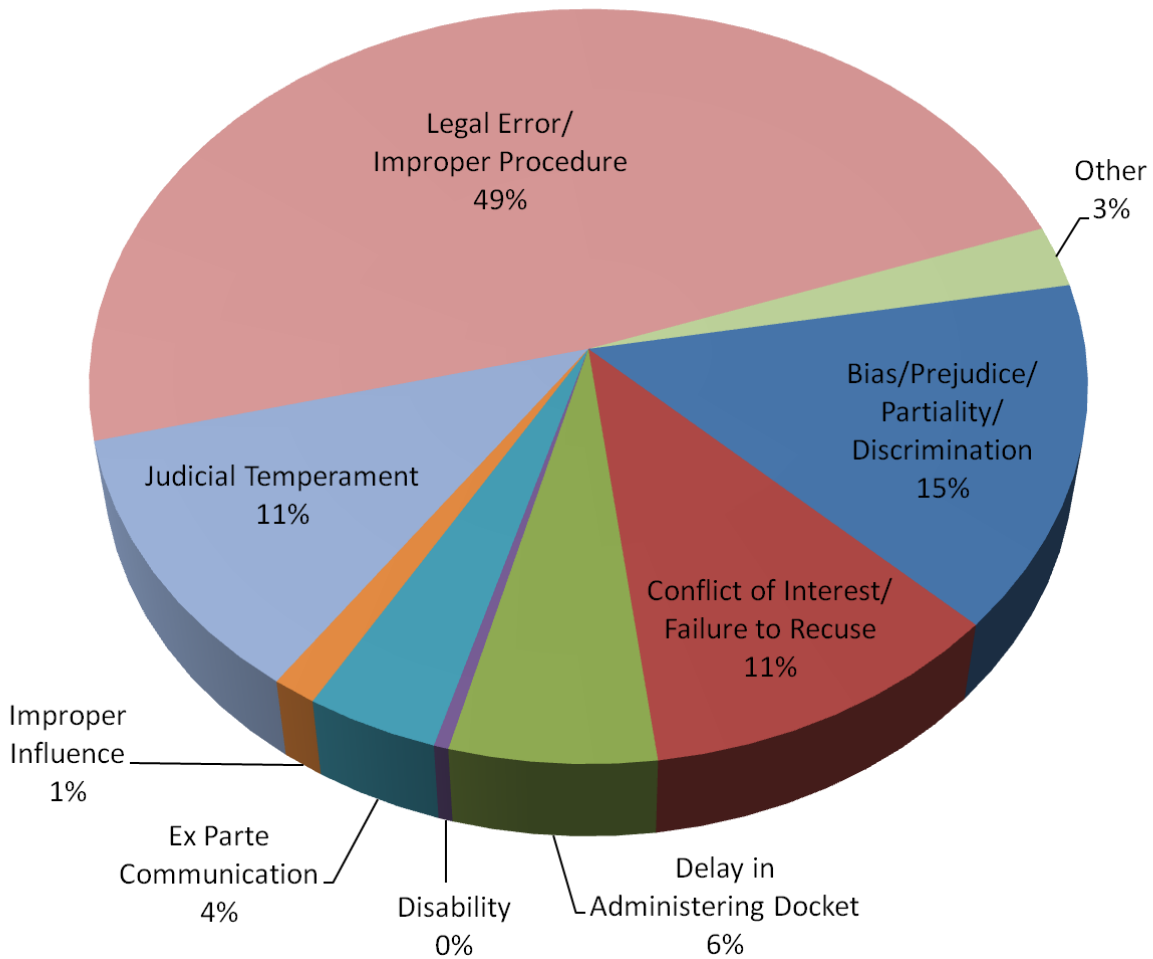


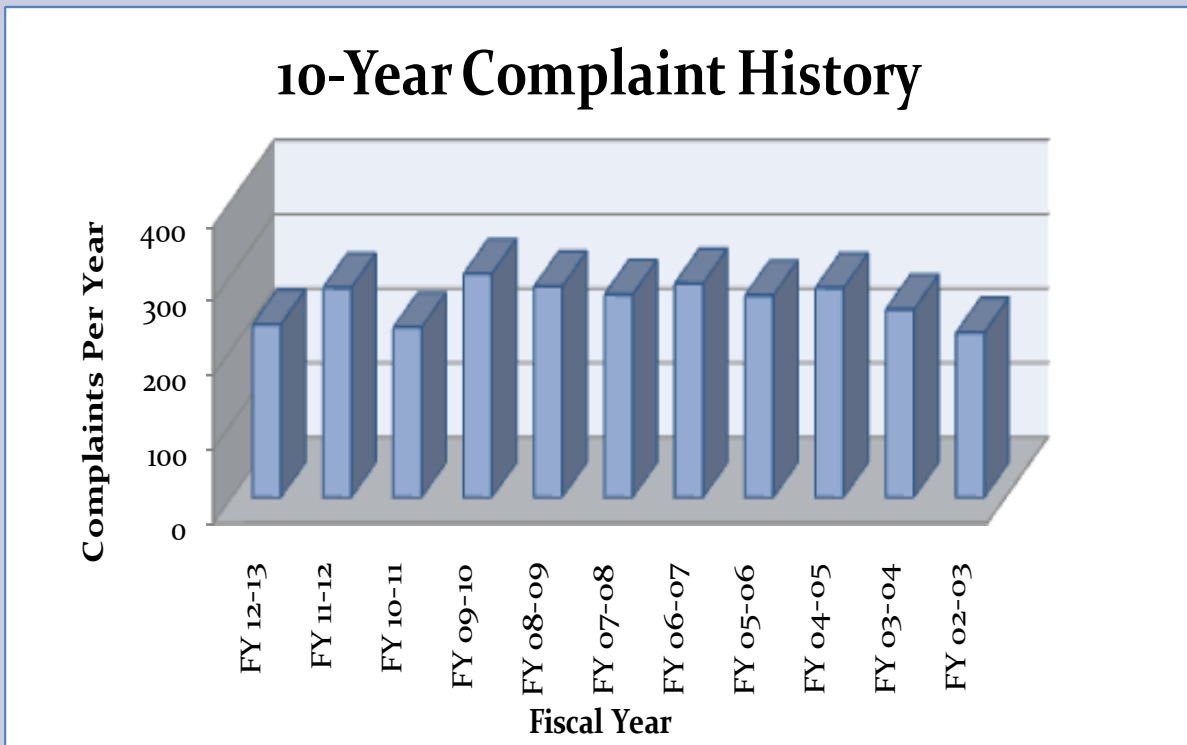
Who is Filing Complaints?



- Complainant Representation in Court:**
- 55.90% were represented by counsel
 - 3.06% were represented by counsel, then appeared *pro se*
 - 23.14% appeared *pro se*
 - 14.85% unknown (unspecified in complaint)
 - 3.06% not applicable (non-litigation)

What are the Allegations?





About the Judicial Conduct Commission

The mission of the Kentucky Judicial Conduct Commission is to protect the public, to encourage judges, commissioners and candidates for judicial office to maintain high standards of conduct, and to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary.

The Commission accomplishes this mission through its investigation of complaints of judicial misconduct, wrongdoing or disability. In cases where judges, commissioners and candidates for judicial office are found to have engaged in misconduct or to be incapacitated, the Kentucky Constitution authorizes the Commission to take appropriate disciplinary action, including issuing admonitions, reprimands, censures, suspensions, or removal from office.

<http://courts.ky.gov/commissionscommittees/JCC>

STATE OF MARYLAND

COMMISSION ON JUDICIAL DISABILITIES

ANNUAL REPORT
FOR
FISCAL YEAR 2016

P. O. Box 340
Linthicum Heights, MD 21090-0340
(410) 694-9380
www.mdcourts.gov/cjd/index.html

Dr. Kenneth W. Eckmann
Janet R. Scott

STAFF:

Executive Director/Investigative Counsel: Carol A. Crawford, Esquire
Assistant Investigative Counsel: Tanya C. Bernstein, Esquire
Executive Secretary: Gary J. Kolb, Esquire
Administrative Assistant: Lisa R. Zinkand
Legal Assistant: Sarah P. Merillat

VII. MEETINGS.

The Commission Members held ten regularly scheduled Meetings in FY 2016.

The Board Members held eleven regularly scheduled Meetings in FY 2016.

VIII. SUMMARY OF COMMISSION ACTIVITY IN FY 2016.

During Fiscal Year 2016 (July 1, 2015 through June 30, 2016), the Commission opened files for 201 verified complaints.

Sixteen complaints were filed by attorneys, 30 by inmates, 10 by Investigative Counsel, and 145 were filed by members of the general public.

Complaints against Circuit Court Judges totaled 125; 57 complaints were filed against District Court Judges; 1 complaint was filed against a Court of Appeals Judge; 6 complaints were filed against Court of Special Appeals Judges; and 12 complaints were filed against Orphans' Court Judges.

The types of cases involved include: family law matters (divorce, alimony custody, visitation, etc.) that prompted 32 complaints; criminal cases that prompted 51 complaints; and 116 complaints arose from other civil cases. Two complaints failed to fit in any of those categories that a judge has committed sanctionable conduct.

Charges were filed in two (2) cases.

In addition, the Commission issued six (6) Private Reprimands involving the following:

- 1) A Circuit Court Judge contacted a Congressman to obtain information from the U.S. Department of Veterans Affairs ("DVA") about a convicted and sentenced man's psychiatric history, and, in so doing, provided personal information about him to the Congressman and the DVA, even though the Judge was not involved in the man's case. The Judge's conduct violated

Rules 1.1, 1.2, 1.3, 2.2 and 2.9 of Maryland Rule 16-813 (Maryland Code of Judicial Conduct).

- 2) An Orphans' Court Judge received commissions as a real estate agent involving real estate included in estates being supervised by the Orphans' Court in violation of Rules 1.1, 1.2, 2.11 and 3.12 of Maryland Rule 16-813 (Maryland Code of Judicial Conduct). The Private Reprimand was made public by the Judge's waiver of the right to confidentiality pursuant to Maryland Rule 16-810(b)(1).
- 3) A District Court Judge engaged in extrajudicial activities that involved relations with an employee of the District Court and socializing by going to lunch and nightclubs with female and male employees of the District Court Clerk's Office. The Judge's conduct violated Rules 1.1, 1.2, 2.2, 2.5(a) and 3.1 of Maryland Rule 16-813 (Maryland Code of Judicial Conduct).
- 4) A Circuit Court Judge committed sanctionable conduct in two separate cases. In the first case, the Judge's demeanor was unprofessional and rude; the Judge attempted to force a settlement of the case; and the Judge's conduct gave the appearance that the Judge prejudged the case and did not consider any of the testimony and other evidence, and thereby denied the parties' reasonable opportunity to be heard. In the second case, the Judge referred to the defendant's former spouse in an offensive and racist term; the Judge's demeanor during the hearing was rude, condescending and unprofessional; the Judge attempted to force a settlement of the case; and the Judge's conduct gave the appearance that the Judge prejudged the case and did not consider any of the testimony and other evidence, thereby denying the parties' reasonable opportunity to be heard. The Judge violated Rules 1.1, 2.2, 2.3(a) & (b), 2.5(a), and 2.8(b) of Maryland Rule 16-813 (Maryland Code of Judicial Conduct).
- 5) A retired Circuit Court Judge, designated to sit by the Court of Appeals at the time, received a traffic citation and filed a request for trial. The matter was scheduled to be heard during a traffic docket, prior to the docket being called, the Judge visited the presiding judge who was to hear the matter, and the Judge appeared in the courtroom for the call of the docket, but did not advise court personnel that the Judge was a defendant in a case to be called. The Judge knew or should have known that the standard procedure required that a judge from another jurisdiction be assigned to hear the Judge's case in order to avoid any conflict of interest or appearance of impropriety. The Judge violated Rules 1.1, 1.2, 1.3, 2.4(b), 2.5(b), and 2.9(a) & (d) of Maryland Rule 16-813 (Maryland Code of Judicial Conduct). The Private Reprimand was made public by the Judge's waiver of the right to confidentiality pursuant to Maryland Rule 16-810(b)(1).

- 6) A retired District Court Judge, designated to sit by the Court of Appeals, engaged in conduct, while handling a final hearing on the merits of a peace order, that was demeaning and the Judge's language was unprofessional and condescending. The Judge violated Rules 1.1, 1.2, 2.2, 2.3(a), and 2.8(a) & (b) of Maryland Rule 16-813 (Maryland Code of Judicial Conduct). The Private Reprimand was made public by the Judge's waiver of the right to confidentiality, pursuant to Maryland Rule 16-810(b)(1).

Further, the Commission issued two (2) dismissals with a warning involving the following:

- 1) A Circuit Court Judge's general demeanor in a civil case was routinely irritable, condescending, sarcastic, short-fused, and the Judge often exhibited a judgmental tone and habit of inserting the Judge into the various roles in the courtroom. The Judge's conduct is governed by Rule 2.8(b) of Maryland Rule 16-813 (Maryland Code of Judicial Conduct).
- 2) A Circuit Court Judge, presently retired and designated to sit by the Court of Appeals, did not exhibit the required temperament, demeanor impartiality and fairness required of judges in a civil case in which the Judge demonstrated disdain for the defendant by making condescending and snide remarks to him and, at one point, the Judge offered an apology on the record for "losing his cool." The Judge's conduct is governed by Rules 1.1, 1.2, 2.2, and 2.8(b) of Maryland Rule 16-813 (Maryland Code of Judicial Conduct).

The vast majority of complaints in Fiscal Year 2016, as in prior years, were dismissed because the allegations set forth in the complaints were either found to be unsubstantiated, or the conduct complained about did not constitute sanctionable conduct.

IX. COMPARISON CHARTS OF COMMISSION ACTIVITY.

The data included in the following comparison charts is based on data from the Commission case files.

SOURCES OF ALL COMPLAINTS FILED WITH THE COMMISSION

Fiscal Year	Attorneys	Investigative Counsel Initiated Inquiries	Inmates	Judges	Public	Total
2000-2001	14	1	29	0	76	120
2001-2002	4	4	26	0	108	142
2002-2003	6	6	35	0	91	138
2003-2004	6	1	17	0	70	94
2004-2005	2	7	33	0	70	112
2005-2006	12	4	30	0	62	108
2006-2007	7	2	27	0	81	117
2007-2008	5	4	29	0	91	129
2008-2009	6	5	35	0	91	137
2009-2010	4	4	25	0	90	123
2010-2011	8	2	17	0	97	124
2011-2012	8	7	19	0	98	132
2012-2013	13	2	13	2	109	139
2013-2014	7	4	21	0	109	141
2014-2015	8	9	38	0	103	158
2015-2016	16	10	30	0	145	201

COMPLAINTS BY COURT

Fiscal Year	District Court Judges	Circuit Court Judges	Orphans' Court Judges	Court of Special Appeals Judges	Court of Appeals Judges	Other	Total
2000-2001	27	86	0	6	1	0	120
2001-2002	35	94	2	11	0	0	142
2002-2003	35	87	0	6	8	2	138
2003-2004	20	72	2	0	0	0	94
2004-2005	31	72	1	7	1	0	112
2005-2006	28	72	1	0	7	0	108
2006-2007	25	87	1	2	2	0	117
2007-2008	48	78	3	0	0	0	129
2008-2009	46	84	1	4	2	0	137
2009-2010	44	75	1	2	1	0	123
2010-2011	42	79	2	1	0	0	124
2011-2012	48	77	7	0	0	0	132
2012-2013	52	80	4	2	1	0	139
2013-2014	58	73	4	5	0	1	141
2014-2015	46	107	3	2	0	0	158
2015-2016	57	125	12	6	1	0	201

TYPES OF CASES INVOLVED

Fiscal Year	Family Law	Criminal Cases	Civil Cases	Other	Total
2000-2001	18	55	37	10	120
2001-2002	31	47	54	10	142
2002-2003	28	54	41	15	138
2003-2004	26	24	37	7	94
2004-2005	33	22	52	5	112
2005-2006	20	39	30	19	108
2006-2007	25	43	45	4	117
2007-2008	24	41	59	5	129
2008-2009	32	48	50	7	137
2009-2010	23	36	58	6	123
2010-2011	22	50	48	4	124
2011-2012	24	31	68	9	132
2012-2013	30	32	69	8	139
2013-2014	29	37	70	5	141
2014-2015	22	49	84	3	158
2015-2016	32	51	116	2	201

Public Members:

Dr. Kenneth W. Eckmann
Dr. Kevin Daniels
The Honorable William J. Boarman

STAFF:

Executive Director/Investigative Counsel: Carol A. Crawford, Esquire
Assistant Investigative Counsel: Tanya C. Bernstein, Esquire
Executive Secretary: Gary J. Kolb, Esquire
Administrative Assistant: Lisa R. Zinkand

VII. MEETINGS.

The Commission Members held nine regularly scheduled Meetings in FY 2015.

The Board Members held ten regularly scheduled Meetings in FY 2015.

VIII. SUMMARY OF COMMISSION ACTIVITY IN FY 2015.

During Fiscal Year 2015 (July 1, 2014 through June 30, 2015), the Commission opened files for 158 verified complaints.

Eight complaints were filed by attorneys, 38 by inmates, 9 by Investigative Counsel, and 103 were filed by members of the general public.

Complaints against Circuit Court Judges totaled 107; 46 complaints were filed against District Court Judges; 2 complaints were filed against Court of Special Appeals Judges; and 3 complaints were filed against Orphans' Court Judges.

The types of cases involved include: family law matters (divorce, alimony custody, visitation, etc.) that prompted 22 complaints; criminal cases that prompted 49 complaints; and 84 complaints arose from other civil cases. Three complaints failed to fit in any of those categories.

The Commission authorized the filing of charges by the Investigative Counsel against a Circuit Court Judge regarding the Judge's alleged conduct involving the Judge's intimate relationship with a convicted felon and the Judge's actions, inactions, and other conduct related to that relationship. The public hearing was scheduled for August 24, 2015.

In addition, the Commission issued six (6) Private Reprimands involving the following:

- 1) Retired District Court Judge's inappropriate comments and not allowing the

respondent in a final protective order hearing to finish presenting his case [Private Reprimand issued in conjunction with a Deferred Discipline Agreement];

- 2) Circuit Court Judge's inappropriate comments made in open court regarding very personal information about the history of a defense witness during a hearing in a criminal case;
- 3) Circuit Court Judge habitually failed to decide matters in a timely fashion [Private Reprimand made public with consent of the Judge];
- 4) Retired Circuit Court Judge presided over a post-conviction hearing in which ineffective assistance of counsel was asserted and the Judge should not have presided over the hearing because such counsel, who testified for the State, had been engaged in the practice of law with the Judge prior to his appointment as a Judge;
- 5) Circuit Court Judge should have recused herself because she knew one of the victims, but the Judge continued to ask questions and ruled on one of the matters; and
- 6) Circuit Court Judge failed to issue a written order or other decision after a three-day bench trial, recusing herself one year later that resulted in the case having to be retried almost two years after the trial.

Further, the Commission issued three (3) dismissals with a warning involving the following:

- 1) Circuit Court Judge's failure to disclose a relationship with one of the attorneys for the defendant in a civil case and his failure to recuse himself because of that relationship;
- 2) Circuit Court Judge made disrespectful and condescending statements to the defendant in a civil case that were inappropriate and unnecessary and gave the appearance that the Judge was biased or prejudiced against the defendant; and
- 3) Circuit Court Judge's failed to issue a final decision on the merits in a civil case for over two years.

Ninety-one cases remained open at the end of Fiscal Year 2015.

The vast majority of complaints in Fiscal Year 2015, as in prior years, were dismissed because the allegations set forth in the complaints were either found to be unsubstantiated, or the conduct complained about did not constitute sanctionable conduct.

Attorney Members:

Aileen E. Oliver, Esquire
Joseph A. Stevens, Esquire

Public Members:

Dr. Kenneth W. Eckmann³
Dr. Kevin Daniels
The Honorable William J. Boarman⁴

STAFF:

Investigative Counsel: Carol A. Crawford, Esquire⁵
Assistant Investigative Counsel: Tanya C. Bernstein, Esquire⁶
Executive Secretary: Gary J. Kolb, Esquire
Administrative Assistant: Lisa R. Zinkand

VII. MEETINGS.

The Commission Members held eleven regularly scheduled Meetings in FY 2014.

The Board Members held twelve regularly scheduled Meetings in FY 2014.

VIII. SUMMARY OF COMMISSION ACTIVITY IN FY 2014

During Fiscal Year 2014 (July 1, 2013 through June 30, 2014), the Commission opened files for 137 verified complaints and 4 inquiries by the Investigative Counsel.

Seven complaints were filed by attorneys, 21 by inmates, and 109 were

³Dr. Kenneth W. Eckmann was appointed to succeed Dr. Brian H. Avin as a public Member by the Commission on January 1, 2014.

⁴The Honorable William J. Boarman, former Public Printer of the United States, was appointed to succeed Doreen Rexroad as a public Member by the Commission on June 23, 2014.

⁵Carol A. Crawford was appointed to succeed Steven P. Lemmey as Investigative Counsel by the Commission on November 25, 2013.

⁶Tanya C. Bernstein was appointed to succeed Elissa E. Goldfarb as Assistant Investigative Counsel by the Commission on March 24, 2014.

filed by members of the general public.

Complaints against Circuit Court Judges totaled 73; 58 complaints were filed against District Court Judges; 5 complaints were filed against Court of Special Appeals Judges; and 4 complaints were filed against Orphans' Court Judges. One complaint failed to fit in any of those categories.

The types of cases involved include: family law matters (divorce, alimony custody, visitation, etc.) that prompted 29 complaints; criminal cases that prompted 37 complaints; and 70 complaints arose from other civil cases. Five complaints failed to fit in any of those categories.

The Commission authorized the filing of charges by the Investigative Counsel against a Circuit Court Judge regarding the Judge's alleged conduct in the handling of a violation of probation hearing and two post conviction hearings. The public hearing is scheduled for October 20, 2014.

In addition, the Commission issued a Private Reprimand to a District Court Judge in regard to comments made by the Judge to an attorney in the courtroom.

Also, the Commission entered into a Deferred Discipline Agreement with a Circuit Court Judge to provide monitoring and to help the judge so that the conduct is not repeated.

Further, the Commission issued seven (7) dismissals with a warning involving a: Circuit Court Judge who failed to disclose during the course of the trial that he might know a particular witness in the case; Circuit Court Judge who made certain statements in his campaign materials about the Judge's opponent that may have been misleading; Circuit Court Judge who made a statement about the Judge's dislike in having to participate in a regular assignment of family court cases; Circuit Court Judge's comments to a petitioner; District Court Judge because of the manner in which the Judge questioned a party about her work history and her reliance on government assistance; District Court Judge who failed to disclose a family relationship with an attorney for petitioner in a hearing; and Orphans' Court Judge's conduct in a hearing.

Seventy-four cases remained open at the end of Fiscal Year 2014.

The vast majority of complaints in Fiscal Year 2014, as in prior years, were dismissed because the allegations set forth in the complaints were either found to be unsubstantiated, or the conduct complained about did not constitute sanctionable conduct.

IX. COMPARISON CHARTS OF COMMISSION ACTIVITY.

The data included in the following comparison charts is based on data from the

Attorney Members:

Aileen E. Oliver, Esquire
Joseph A. Stevens, Esquire

Public Members:

Dr. Brian H. Avin
Dr. Kevin Daniels
Doreen Rexroad

STAFF:

Investigative Counsel: Steven P. Lemmey, Esquire
Assistant Investigative Counsel: Elissa E. Goldfarb, Esquire
Executive Secretary: Gary J. Kolb, Esquire
Administrative Assistant: Lisa R. Zinkand

VII. MEETINGS.

The Commission Members held 12 regularly scheduled Meetings in FY 2013.

The Board Members held 12 regularly scheduled Meetings in FY 2013.

VIII. SUMMARY OF COMMISSION ACTIVITY IN FY 2013

During Fiscal Year 2013 (July 1, 2012 through June 30, 2013), the Commission opened files for 139 written complaints.

Thirteen complaints were filed by attorneys, 2 by judges, 13 by inmates, and 2 were initiated by Investigative Counsel on his own initiative, pursuant to Maryland Rule 16-805(d). The remaining 109 were filed by members of the general public.

Complaints against Circuit Court Judges totaled 80; 52 complaints were made against District Court Judges; 2 complaints were filed against a Court of Special Appeals Judge; 1 complaint was filed against a Court of Appeals Judge; and 4 complaints were filed against Orphans' Court Judges.

The types of cases involved include family law matters (divorce, alimony custody, visitation, etc.) that prompted 30 complaints, criminal cases that prompted 32 complaints, and 69 complaints arose from other civil cases. Eight complaints failed to fit in any of those categories.

In addition, the Commission authorized the filing of charges against a District Court Judge regarding the Judge's handling of numerous direct contempt cases. The Judge and the Commission entered into an Agreement for Discipline by Consent ("Agreement") and a Stipulation of Facts and Conclusions of Law, whereby the Judge admitted to the conduct alleged in the charges and agreed that specific Rules of the Maryland Code of Judicial Conduct had been violated by the Judge. The Judge consented to a suspension without pay for five (5) work days, and to an overall suspension of ninety (90) days with the remaining eighty-five (85) days being stayed based upon the Judge's successful completion of a two (2)-year period of probation with the Commission. The Court of Appeals of Maryland entered a Consent Order approving the Agreement, making the Agreement public, and suspending the Judge without pay for five (5) work days.

Also, the Commission issued a Private Reprimand to a District Court Judge. The Commission concluded, based upon stipulated facts, that the Judge violated the Maryland Code of Judicial Conduct by making inappropriate and demeaning comments to a female attorney in the courtroom.

The Commission authorized the filing of charges against a District Court Judge regarding alleged disrespectful, rude, and demeaning comments to litigants during a hearing. Prior to any further proceedings before the Commission, the Judge informed the Governor that he did not want to be reappointed and retired at the completion of his term.

Further, the Commission entered into two Deferred Discipline Agreements with Orphans' Court Judges from two different counties regarding their handling of estate cases and their need for a reviewer to provide helpful assistance to the Judges.

The Commission issued seven (7) dismissals with a warning involving: two Orphans' Court Judges signing an affidavit providing character evidence in a civil case, without a subpoena; Circuit Court Judge failing to disclose, during the course of a trial, that the Judge may have known or should have realized that Judge might know a particular witness in the case; District Court Judge making an inappropriate comment to a defendant during a hearing; Circuit Court Judge handling a case in which Judge appears to favor an unrepresented defendant by, among other things, sustaining objections that were not made by the defendants and not treating counsel with appropriate patience, dignity, and courtesy; Circuit Court Judge making a racially offensive term that may appear to those in the courtroom that the Judge was not impartial, even though Judge did not intend to offend anyone or appear biased; and District Court Judge presiding over case in which one of the parties was the Judge's client when the Judge was in private practice and such party regularly appears before that District Court.

Forty-seven cases remained open at the end of Fiscal Year 2013.

State of Michigan

Judicial Tenure Commission

Annual Report 2016



Judicial Tenure Commission
Cadillac Place
3034 W. Grand Blvd.
Suite 8-450
Detroit, Michigan 48202
(313) 875-5110
jtc.courts.mi.gov

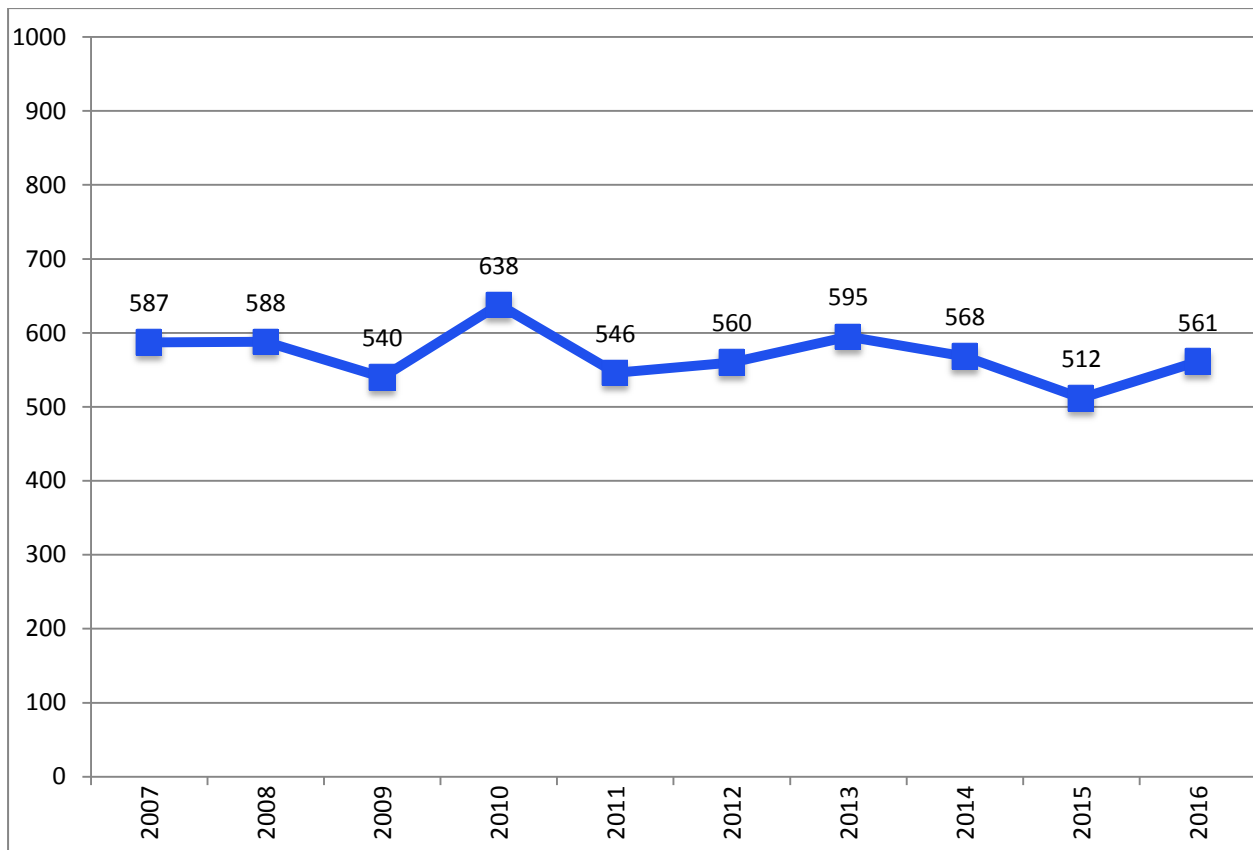
III. 2016 STATISTICS

A. Complaints Received and Investigated¹

In 2016, the Commission received 751 requests that "Request for Investigation" forms be mailed to individuals. This number does not include downloads from the Commission website. There were 561 Requests for Investigation filed in 2016.

2016 CASELOAD	
Cases Pending on 1/1/2016	81
New Grievances Considered	561
Cases Concluded in 2016	587
Cases Pending on 12/31/2016	55

Grievances Received, 2007-2016



The grievances set forth a wide array of allegations. A substantial percentage alleged legal error not involving misconduct or expressed dissatisfaction with a judge's discretionary handling of judicial duties.

¹ The statistics as to filed cases, resolved cases, and other figures may not match as the Commission often addresses multiple submissions regarding a judge in one formal complaint, admonishment, or caution, or may address several disciplinary issues in one filing. In addition, based on the confidentiality restrictions relating to the Commission's investigations, some information relating to cases may not be disclosed.

The Commission also received grievances concerning individuals and matters that did not come under the Commission’s jurisdiction: federal judges, former judges, workers’ compensation judges, other government officials and miscellaneous individuals. Commission staff responded to each of these complaints and, when appropriate, the Commission made referrals.

B. Complaint Dispositions

In 2016, the Commission disposed of 587 cases.

1. Closed without Action

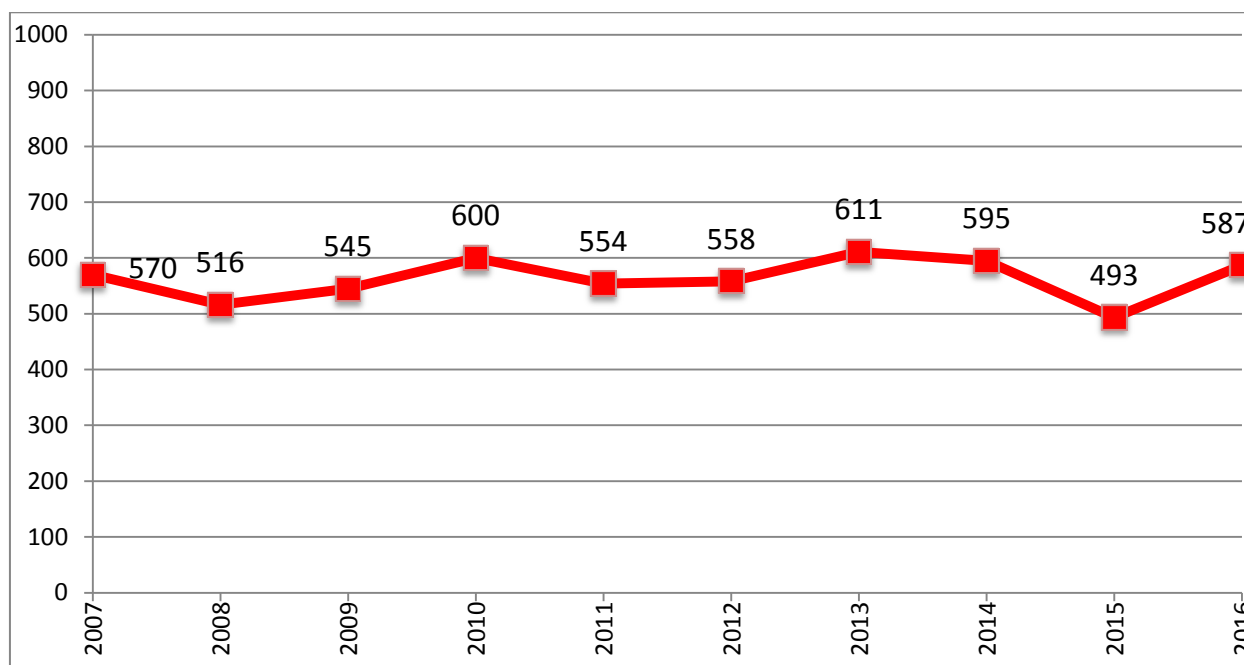
In 570 of the 587 cases closed in 2016, there was not sufficient evidence of misconduct after the information necessary to evaluate the complaint was obtained and reviewed. In other words, the allegations in these cases were unfounded, or unprovable, or the judge gave an adequate explanation of the situation, or the Commission lacked jurisdiction.

2. Closed with Action²

In 2016, the Commission issued seven letters of admonishment and one caution. There was one consent suspension, one voluntary resignation, two voluntary retirements, and the Commission dismissed one pending formal complaint. These dispositions are summarized in Section IV.

The Commission did not issue any formal complaints in 2016.

Grievances Disposed of, 2007-2016³



² The number of cases closed without action plus the number of actions does not equal 587, because some actions involved more than one grievance, and two matters ended when judges passed away.

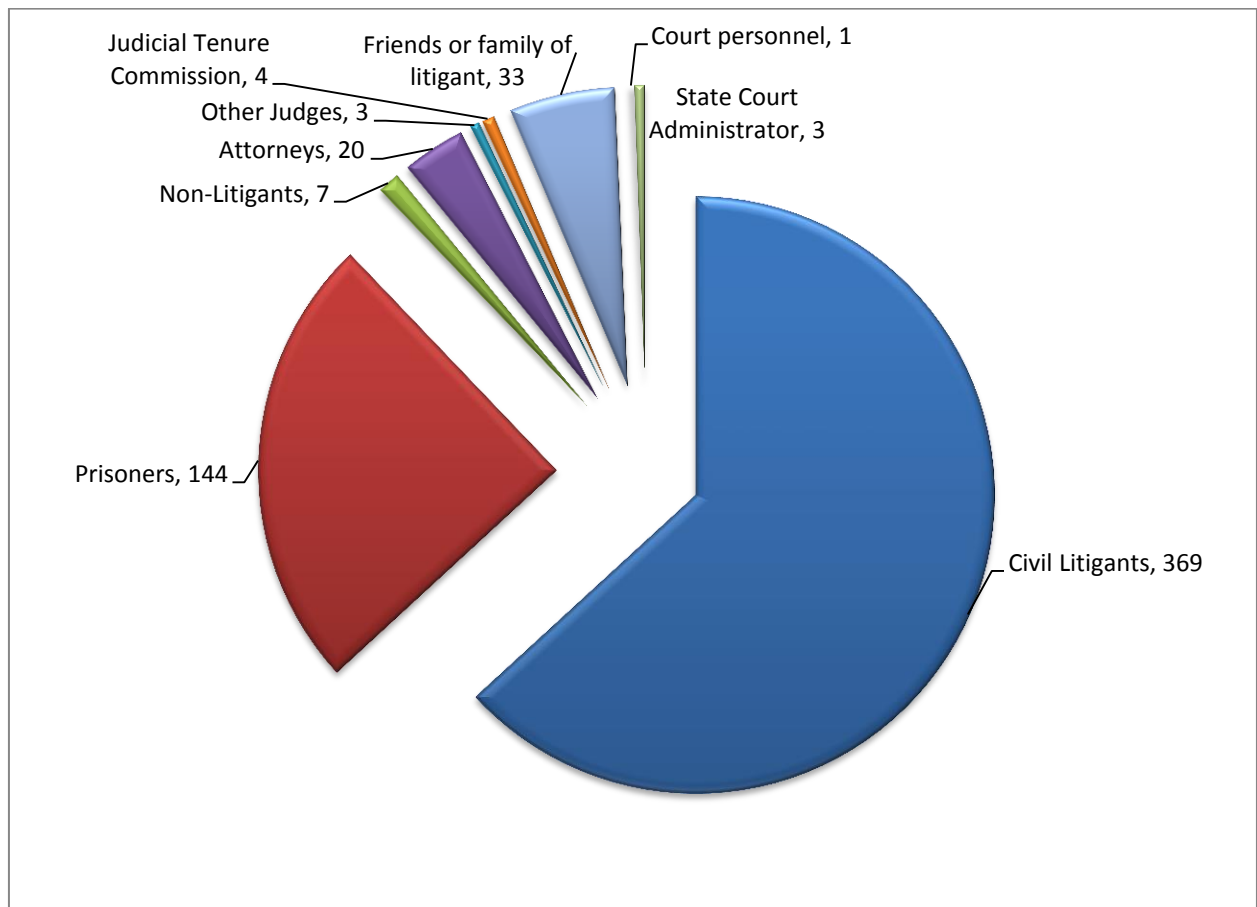
³ The disposition statistics are based on cases completed each year, regardless of when the complaints were received.

C. Analysis of Grievances Considered in 2016

The requests for investigation received and resolved by the Commission derived from the following sources, covered the following subject matters, were lodged against the following types of judges, and were resolved as follows. The totals may not equal 561 received or 587 closed, as listed above, because some grievances cover more than one judge and many contain more than one type of alleged misconduct.

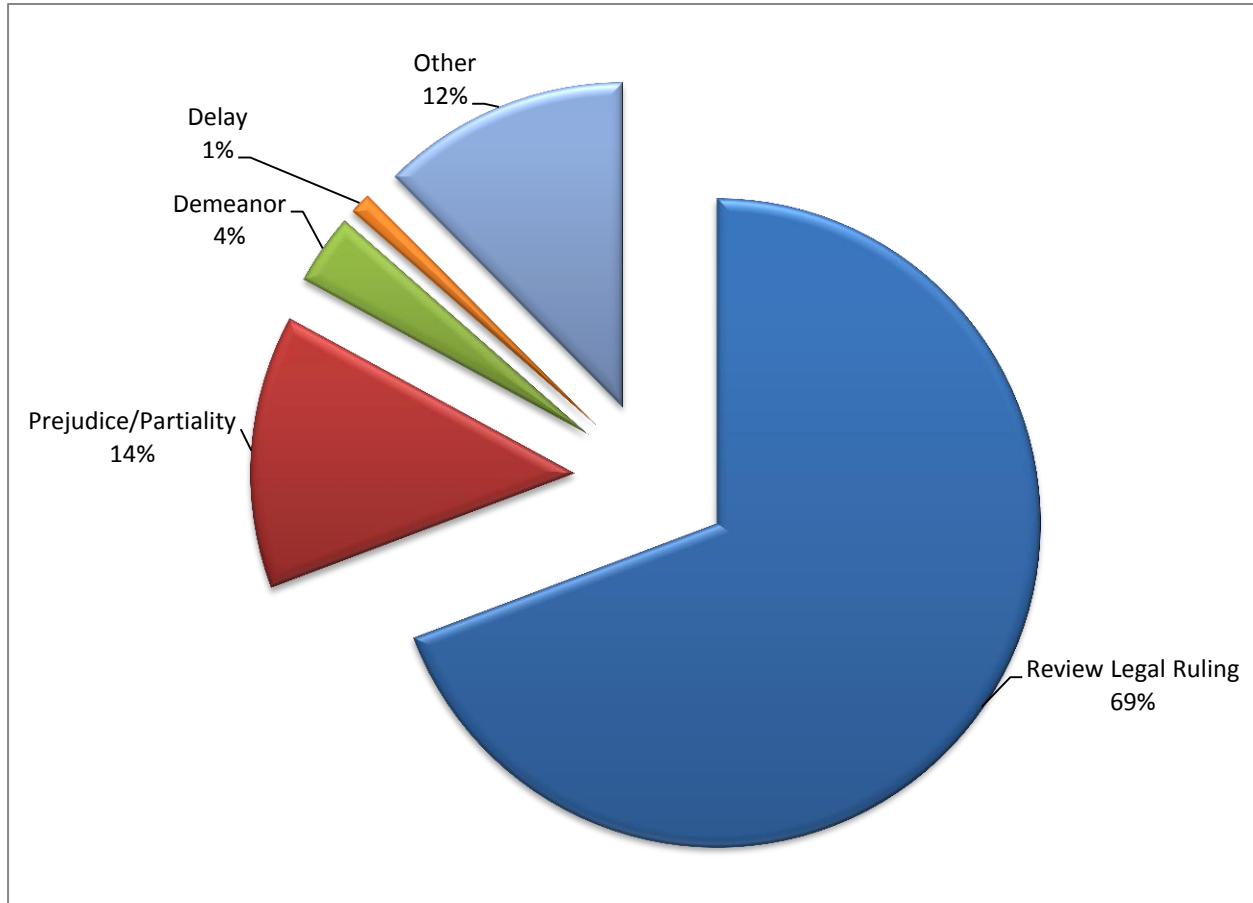
1. Sources of Grievances

Litigants (including prisoners) filed the majority of requests for investigation, constituting nearly 90% of the total filings.



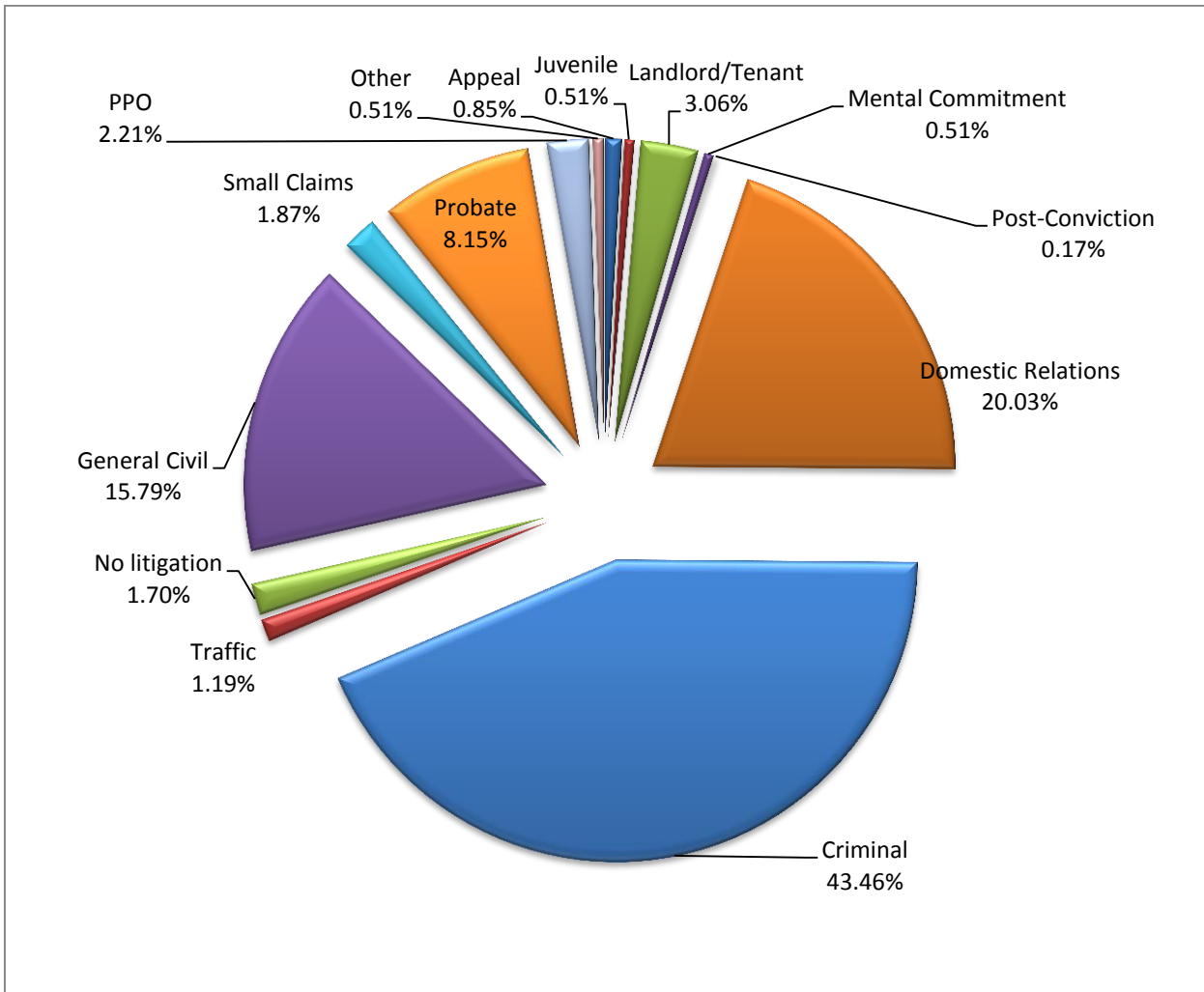
2. Subject Matters of Grievances

Sixty-nine percent of matters complained of in the Requests for Investigation sought to have the Commission review the merits of the underlying case. However, the Commission has no jurisdiction to act as an appellate body, so unless there was evidence of judicial misconduct, those matters were ultimately dismissed.



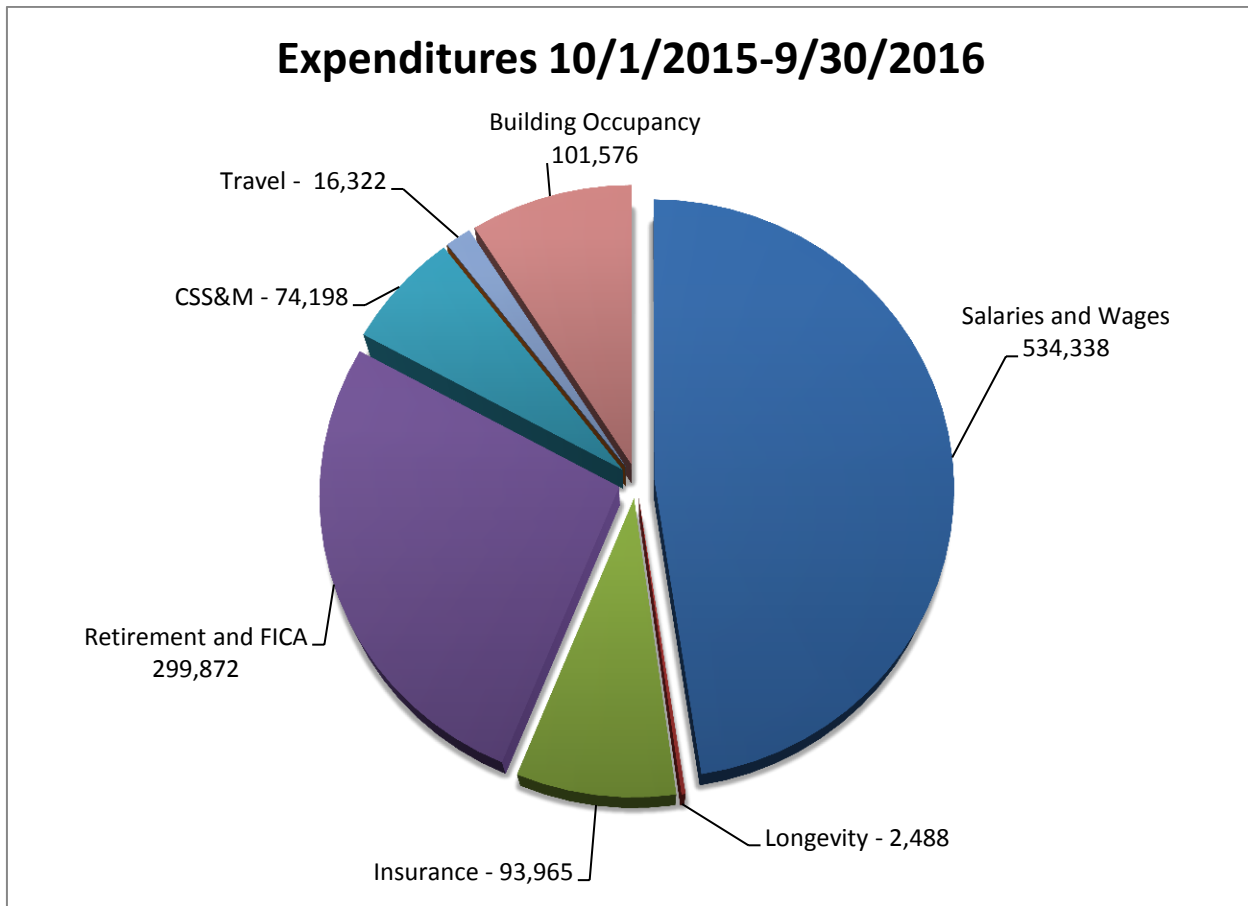
3. Nature of Underlying Litigation

Criminal cases, domestic relations matters, and general civil cases continue to be the most common types of cases to produce grievances against the judge. Those cases combined make up close to 80% of the filings with the Commission. Probate cases make up another 8% of the submissions, and the rest of the filings are spread among the other categories.



B. Budget

The Commission's budget is included in the budget of the Supreme Court. For the 2016 fiscal year (October 1, 2015–September 30, 2016), the Commission spent \$1,122,759, which was \$7560 (less than .7%) over its \$1,115,200 budget. The Commission works to keep its expenditures to a minimum.



NORTH CAROLINA JUDICIAL STANDARDS COMMISSION



★ ★ ★
IMPARTIALITY INDEPENDENCE INTEGRITY

ANNUAL REPORT 2016

HON. WANDA G. BRYANT
CHAIR

CAROLYN A. DUBAY
EXECUTIVE DIRECTOR

POST OFFICE BOX 1122
RALEIGH, NORTH CAROLINA 27602
TEL.: (919) 831-3630
FAX: (919) 831-3637

Judges, justices, commissioners and deputy commissioners may also seek private, confidential informal advisory opinions from the Commission’s Executive Director and Commission Counsel, although such opinions are not binding on the Commission. Each year, Commission staff responds to between 200 and 300 requests for informal ethics advice.

The Commission Chair and staff also take part in educational programs for judges, attorneys and other interested parties relating to the North Carolina Code of Judicial Conduct and the work of the Commission.

2016 WORKLOAD STATISTICS

Review and Investigation of Complaints

As set forth in Table 1, there were 290 matters pending or opened in 2016. This number includes 39 matters that remained open as of December 31, 2015 and 251 new complaints received between January 1, 2016 and December 31, 2016. Of the 39 matters that were pending at the start of 2016, 26 complaints were awaiting initial review by the Commission, 10 complaints were under formal investigation, 2 complaints were under preliminary investigation, and 1 matter was awaiting a disciplinary recommendation hearing. During the course of 2016, 256 files were closed, leaving 34 matters pending as of December 31, 2016. A summary of the inquiries pending, opened and closed in 2016 is provided in Table 1.

TABLE 1: 2016 WORKLOAD SUMMARY

2016 Total Workload	290
Pending Files as of January 1, 2016	39
New Files Opened in 2016	251
Files Closed in 2016	256
Open Files as of December 31, 2016	34

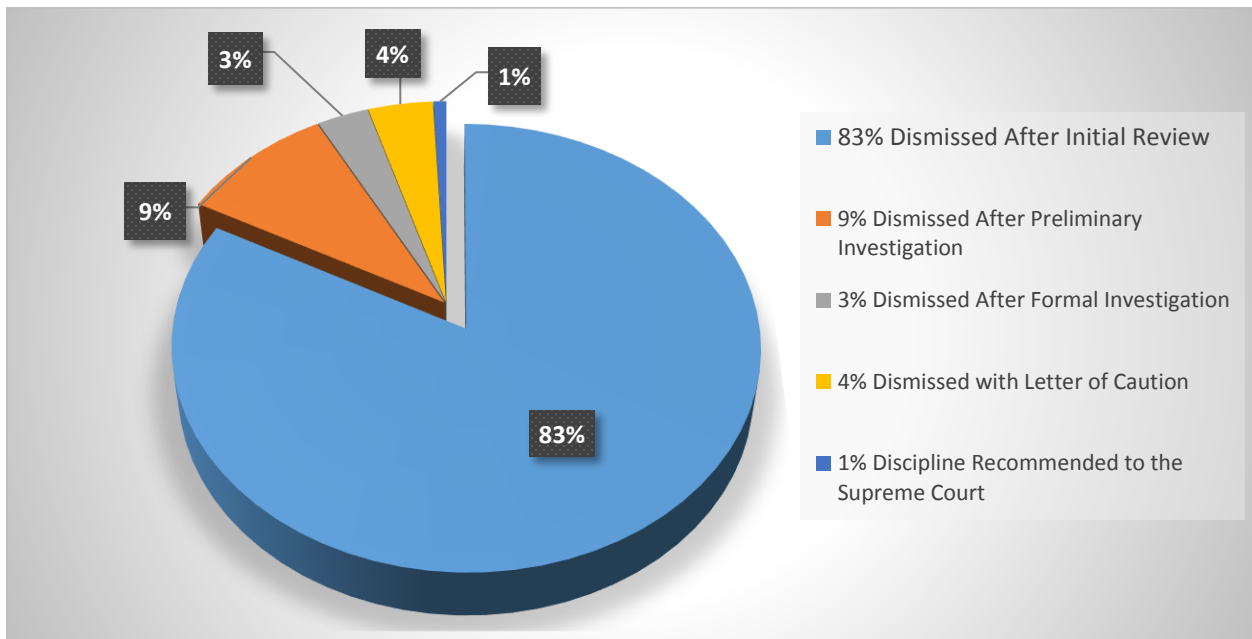
The 256 files that were closed in 2016 were disposed of in various ways, as set forth in Table 2. There were two cases that resulted in disciplinary hearings and recommendations of discipline to the North Carolina Supreme Court. The North Carolina Supreme Court adopted the Commission’s recommendation and issued a public reprimand in *In re Mack*, __ N.C. __ S.E.2d __ (2016) (the opinion is available on the Commission’s website). The second recommendation to the North Carolina Supreme Court remained pending as of December 31, 2016. An opinion in that case is expected in 2017.

TABLE 2: 2016 DISPOSITION SUMMARY

Total Complaints Considered in 2016	256
Dismissed After Initial Review	212
Dismissed After Preliminary Investigation	24
Dismissed After Formal Investigation	8
Dismissed with Letter of Caution	10
Discipline Recommended to the Supreme Court	2

As discussed previously, the Commission will dismiss complaints after initial review if the complaint fails to raise issues that may be appropriately addressed by the Commission. In 2016, the Commission dismissed 212 out of 256 complaints it considered after initial review and without investigation. Of the remaining cases, the Commission ordered 31 preliminary investigations and 15 formal investigations. By the percentages, and as set forth in Table 3, 83% of the complaints considered in 2016 were dismissed after initial review, 9% were dismissed after preliminary investigation, 3% were dismissed after formal investigation, 4% were dismissed with a private letter of caution, and 1% of the complaints proceeded to a disciplinary hearing and recommendation to the Supreme Court.

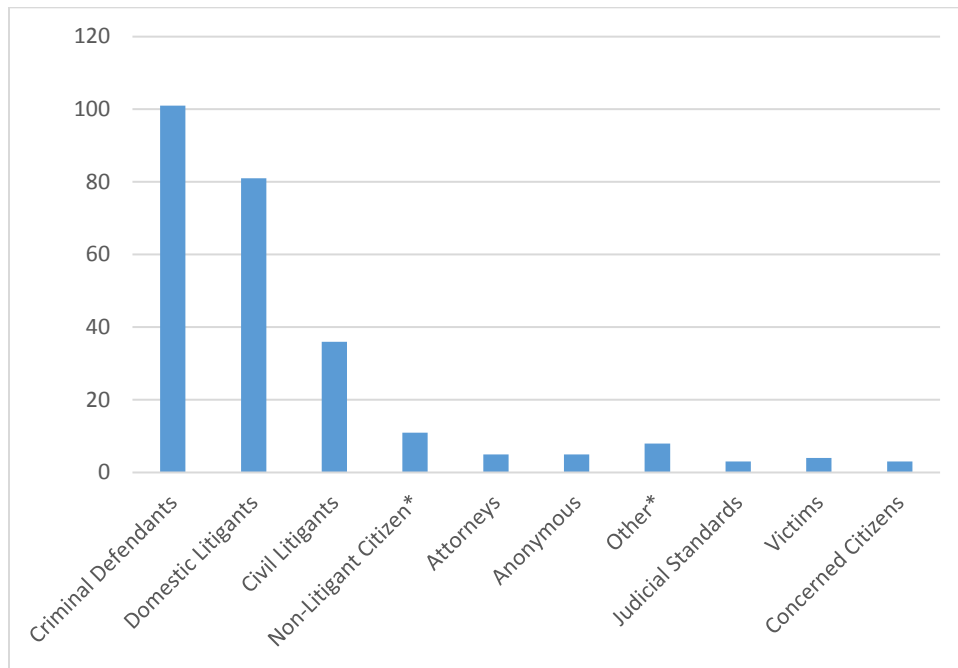
TABLE 3: 2016 DISPOSITION SUMMARY BY PERCENTAGE



Nature of Complaints Considered by the Commission

Written complaints are received from citizens (most of whom are involved in criminal or civil proceedings before the judge in question), attorneys, judges (either as self-reports or reports from other judges), and occasionally anonymous complainants. The Commission will also at times open an inquiry on its own motion on the discovery of potential misconduct (such as through reports in the media). Table 4 identifies the various sources of complaints considered by the Commission in 2016.

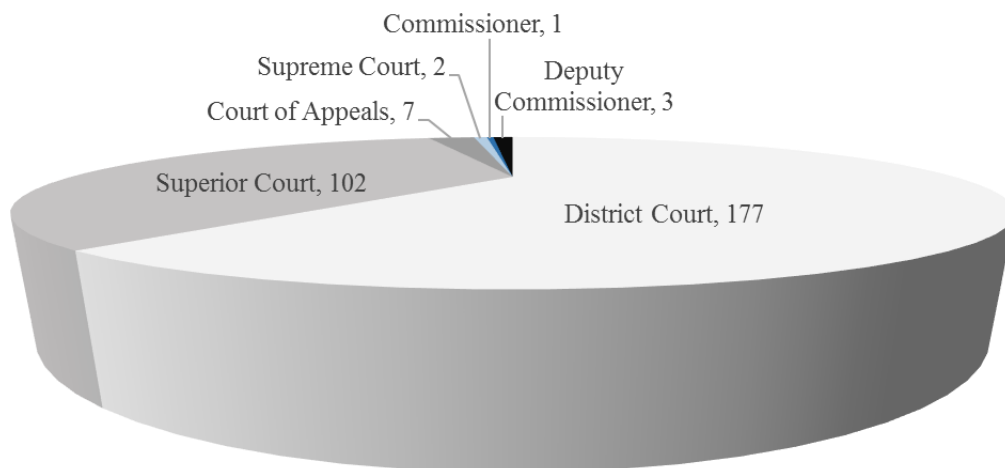
TABLE 4: SOURCE OF COMPLAINTS



* “Non-Litigant Citizen” includes family and friends of litigants and other participants in the proceeding, such as witnesses. “Other” includes judges, court personnel, self-reporting by judges and other miscellaneous sources.

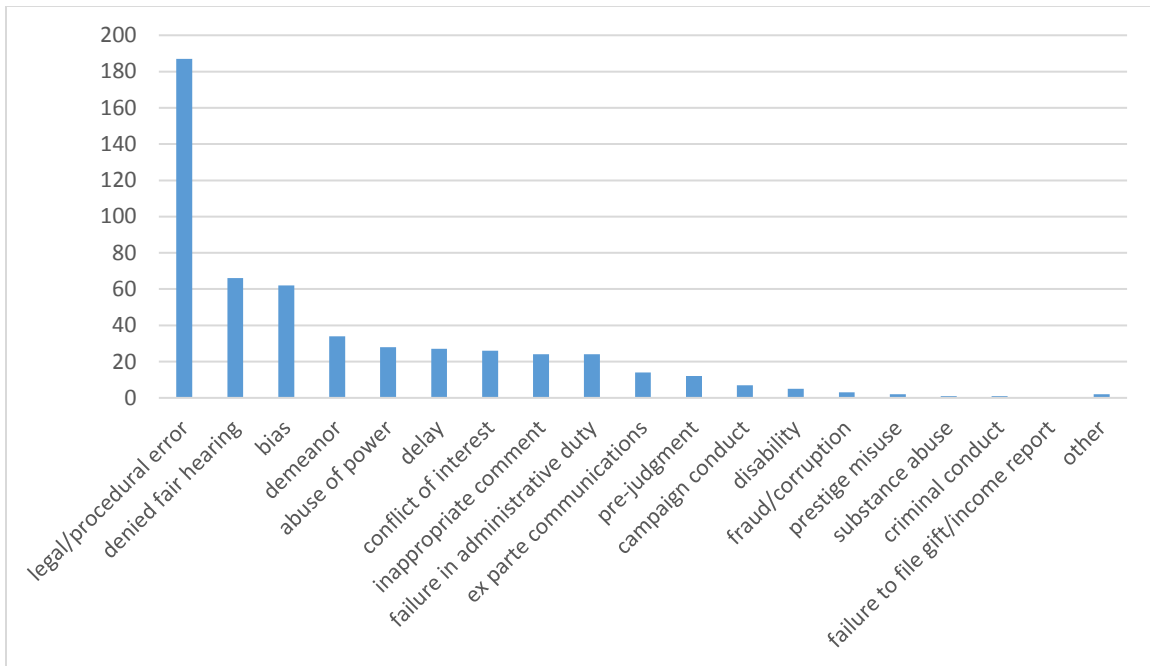
With respect to the type of judge subject to a complaint in 2016, most complaints were directed at either Superior Court or District Court judges and arose from courtroom proceedings. Overall, the 251 new complaints received in 2016 named 292 judges, justices or Industrial Commissioners/Deputy Commissioners. As set forth in Table 5, the Commission considered 176 complaints against District Court judges, 102 complaints against Superior Court judges, 7 complaints against Court of Appeals judges, 2 complaints against Supreme Court justices, 3 complaints against Deputy Commissioners of the Industrial Commission, and 1 complaint against a Commissioner of the Industrial Commission.

TABLE 5: CATEGORIES OF RESPONDENT JUDGES AND COMMISSIONERS



The complaints considered in 2016 alleged various forms of judicial misconduct. By far, the most common complaint was that a trial judge or Industrial Commission deputy commissioner committed some form of legal error in rendering a decision in a case. General allegations of bias or the denial of a fair hearing were also common complaints. The data below indicates the number of times a particular allegation appeared in a complaint in 2016 (note that a single complaint may raise multiple allegations):

TABLE 6: TYPES OF ALLEGATIONS OF JUDICIAL MISCONDUCT



Five Year Trends in Workload

Over the last five years, the Commission’s workload has remained fairly consistent, although 2016 did experience an increase in the number of complaints received from the previous year. As indicated on Table 7, the number of charges filed, hearings conducted and recommendations for public discipline has also remained fairly consistent since the Commission’s authority to issue a public reprimand was revoked in 2013. Because the Commission no longer has this authority, there has been a relative increase in the number of statements of charges filed since 2013 as this is the only authorized procedure for public discipline of a judicial officer subject to the Code of Judicial Conduct.

TABLE 6: FIVE YEAR TRENDS

	2016	2015	2014	2013	2012	Average
Complaints Pending at Year Start	39	50	28	57	41	43
New Complaints Filed	251	227	250	235	312	255
Complaints Pending at Year End	34	39	50	28	57	41.6
Dismissed Without Formal Investigation	236	217	204	239	260	231.2
Formal Investigations Ordered	15	16	29	25	30	23
Dismissed After Formal Investigation	8	12	14	17	20	14.2
Private Letters of Caution Issued	10	7	7	8	14	9.2
Public Reprimands by Commission*	N/A	N/A	N/A	1	2	N/A
Statements of Charges Issued	2	3	3	1	0	1.8
Charges Withdrawn or Dismissed	0	1	1	1	0	0.6
Disciplinary Hearings	2	2	2	0	0	1.2
Recommendations for Public Discipline	2	1	1	0	0	0.8

*The Commission's statutory authority to issue public reprimands was revoked in 2013.



FY 2015 ANNUAL REPORT



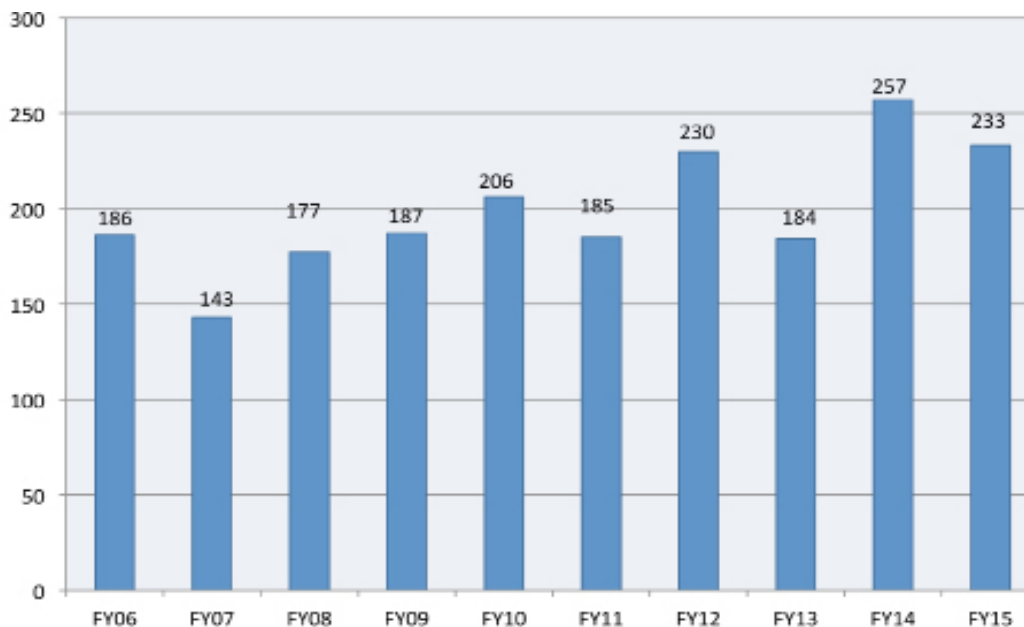


COMPLAINTS, DISPOSITIONS & PERFORMANCE JULY 1, 2014–JUNE 30, 2015

COMPLAINTS RECEIVED

In FY 2015 the Commission received 233 written complaints, which is the second highest number ever received in the Commission's history. The aggregate is comprised of 180 verified complaints (includes Commission-initiated and reopened inquiries) and 53 unverified complaints.

10-YEAR HISTORY OF WRITTEN COMPLAINTS

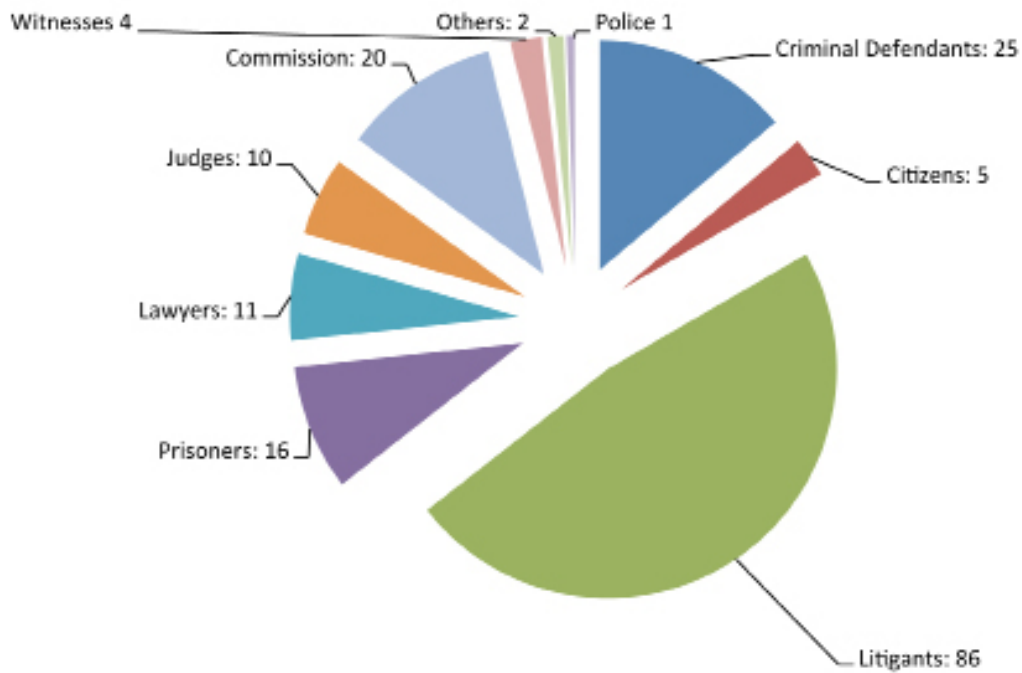


The Commission has an established pre-screening process for telephonic and in-person complaints. Staff members make every effort to discuss callers' situations in detail as appropriate. Staff informs callers about the limited scope of the Commission's jurisdiction under state law. Complaint forms are mailed to all callers who request them. Since 2001 complaint forms and detailed filing instructions have also been available to download from the Commission's website.

SOURCES OF VERIFIED COMPLAINTS

Of the 180 verified complaints filed with the Commission, most were filed by litigants. The distribution of the sources of written, verified complaints was the following: 86 by litigants or their family/friends, 25 by criminal defendants or their family/friends, 5 by citizens, 0 by public officials, 11 by lawyers, 10 by judges, 1 by police, 0 by news media, 16 by prisoners, 4 by witnesses, and 2 by others. Additionally, 20 complaints were initiated by the Commission on its own motion. The chart on the following page illustrates these figures.

COMPLAINT SOURCES



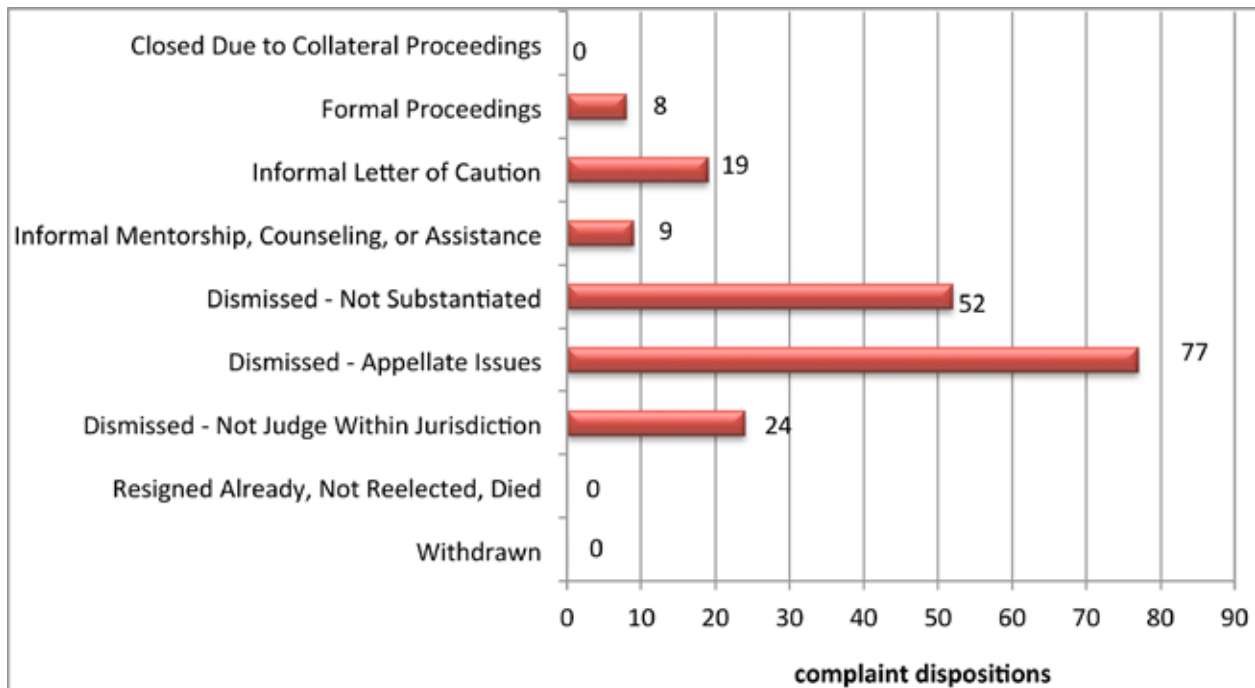
JUDGES REVIEWED

JUDICIAL BRANCH	VERIFIED COMPLAINTS	CASELOAD %
Supreme Court	1	0.6%
Court of Appeals	1	0.6%
District Court	114	63.3%
Metropolitan Court	7	3.9%
Magistrate Court	38	21.1%
Municipal Court	8	4.4%
Probate Court	0	0.0%
Not a Judge	11	6.1%

CASE DISPOSITIONS

Inquiries Pending at Beginning of FY15 (July 1, 2014)	49
New Written/Verified Complaints and Inquiries in FY15	180
Inquiries Concluded in FY15	(189)
Inquiries Pending at End of FY15 (June 30, 2015)	40

Of the 189 cases disposed in FY 2015, the Commission concluded 8 cases (involving 5 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 19 informal letters of caution to 17 individuals. 77 cases were dismissed as appellate, 24 cases because they concerned individuals beyond the Commission’s jurisdiction, and 52 cases as unsubstantiated. In 9 cases involving 7 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. No cases were closed because the judges died, resigned, or were not re-elected, and no matters were closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2015 case dispositions.



HISTORICAL CASES FILED IN THE SUPREME COURT

From July 1, 1968 through June 30, 2015, the Commission filed 156 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 118 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the State’s highest court. Of the judicial branches concerned, the Commission’s petitions to the Supreme Court involved the following levels of the State Judiciary in order of the most filings: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and Supreme Court.

The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

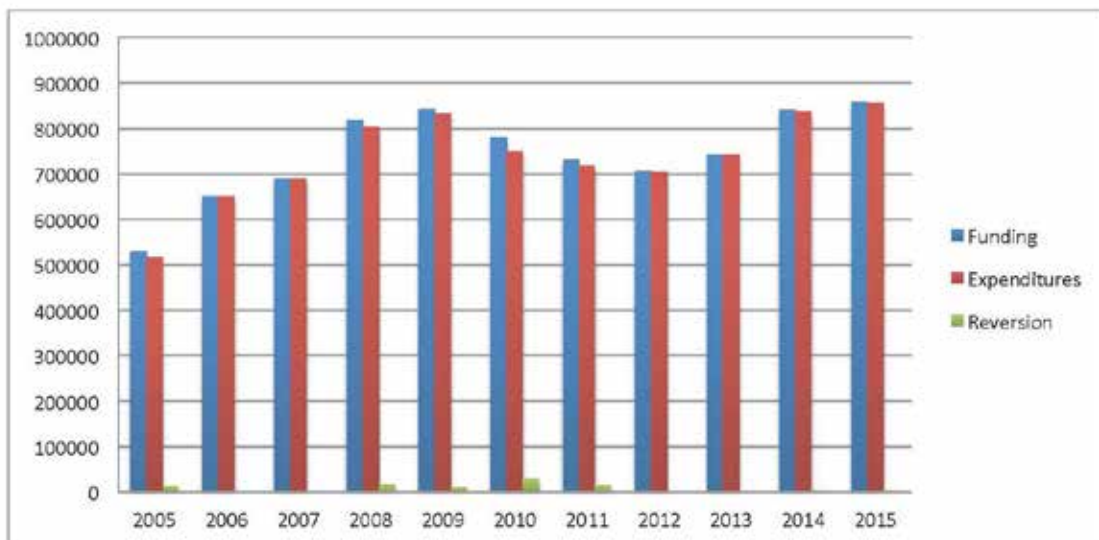
FY 2015 GENERAL FUND APPROPRIATION COMPARED TO GENERAL FUND EXPENDITURES

FY 2015 Final Approved Budget	\$ 858,300.00	
Total FY 2015 Expenditures		\$ (855,534.63)
FY 2015 Reversion to General Fund		(2,765.37)
Total Expenditures and Reversion		\$ (858,300.00)

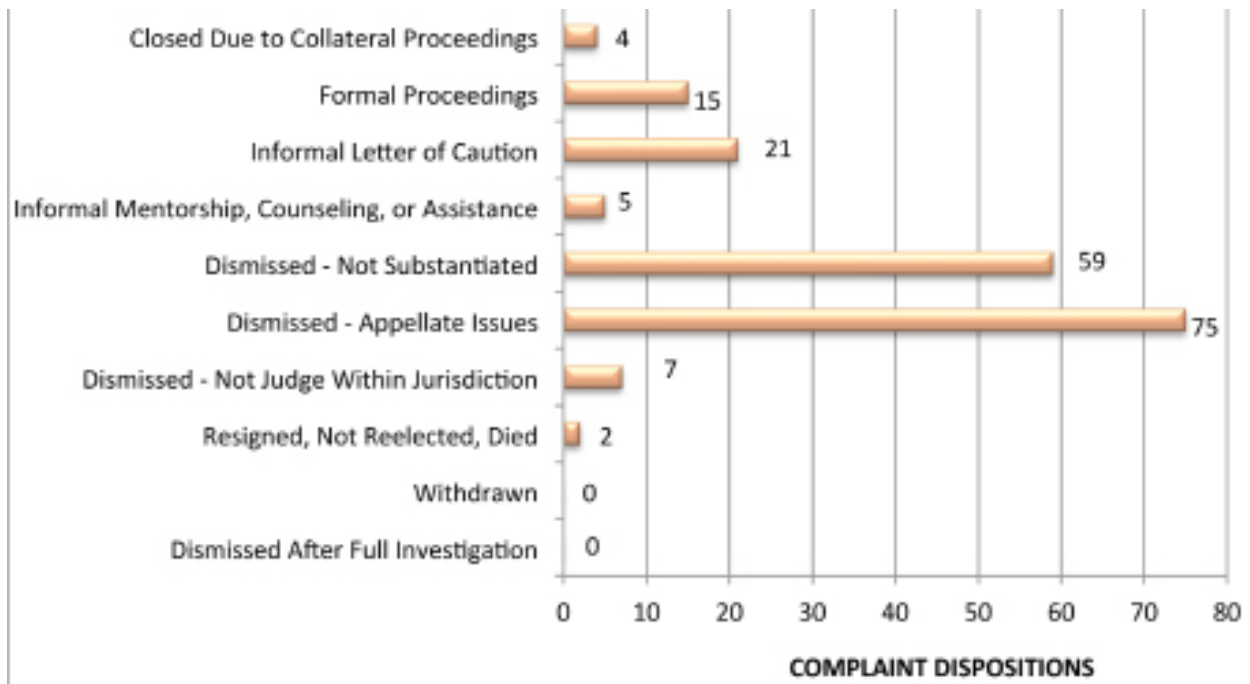
Note: Reversion represents 0.003% of the Commission’s total General Fund appropriation.

AGENCY 10-YEAR GENERAL FUND FUNDING PROFILE

FISCAL YEAR	FUNDING	EXPENDITURES	REVERSION FROM GENERAL FUND	REVERSION FROM COST REIMBURSEMENTS	REVERSION AS % OF FUNDING
2006	650,816.00	650,253.11	0.00	\$562.89	0.087%
2007	688,853.00	688,812.57	40.43	\$0.00	0.006%
2008	819,548.00	803,295.93	0.00	\$16,252.07	1.983%
2009	842,973.00	832,600.37	6,799.01	\$3,573.62	1.231%
2010	780,002.40	749,752.96	22,047.04	\$8,202.40	3.878%
2011	731,300.00	717,230.17	14,069.83	\$0.00	1.924%
2012	706,900.00	705,230.69	1,669.31	0.00	0.236%
2013	742,900.00	742,838.03	61.97	0.00	0.008%
2014	839,987.00	836,659.33	3,327.67	0.00	0.396%
2015	858,300.00	855,534.63	2,765.37	0.00	0.322%



Of the 188 cases disposed in FY 2014, the Commission concluded 15 cases (involving 8 judges) through formal proceedings (after charges filed, stipulations, trials and/or Supreme Court proceedings) and issued 21 informal letters of caution. 75 cases were dismissed as appellate, 7 cases because they concerned individuals beyond the Commission’s jurisdiction, and 59 cases as unsubstantiated. In 5 cases involving 3 judges, the judges were referred for informal remedial measures, which may have included mentorship, education, counseling, and/or other assistance. 2 cases were closed because the judges died, resigned, or were not re-elected, and 4 matters were closed due to ongoing collateral proceedings, subject to being reopened at a later date. The graph below illustrates the FY 2014 case dispositions.

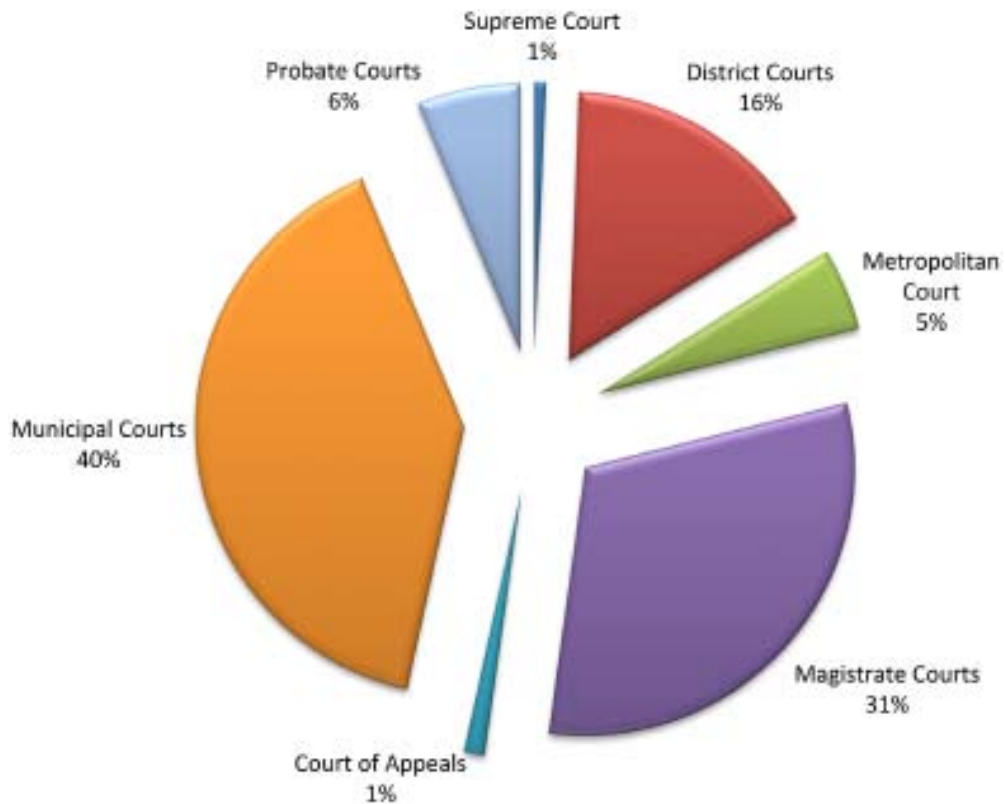


HISTORICAL CASES FILED IN SUPREME COURT

From 1968 through June 30, 2014, the Commission filed 161 petitions for discipline and/or temporary suspension in the New Mexico Supreme Court involving 111 judges. By their nature, these cases involve the most serious questions of judicial misconduct or disability, thereby requiring the Commission to recommend sanctions, discipline, and/or immediate temporary suspension to the State’s highest court. Of the judicial branches concerned, the Commission’s petitions to the Supreme Court involved the following levels of the State Judiciary in order of the most filings: municipal courts, magistrate courts, district courts, probate courts, metropolitan court, Court of Appeals and Supreme Court.

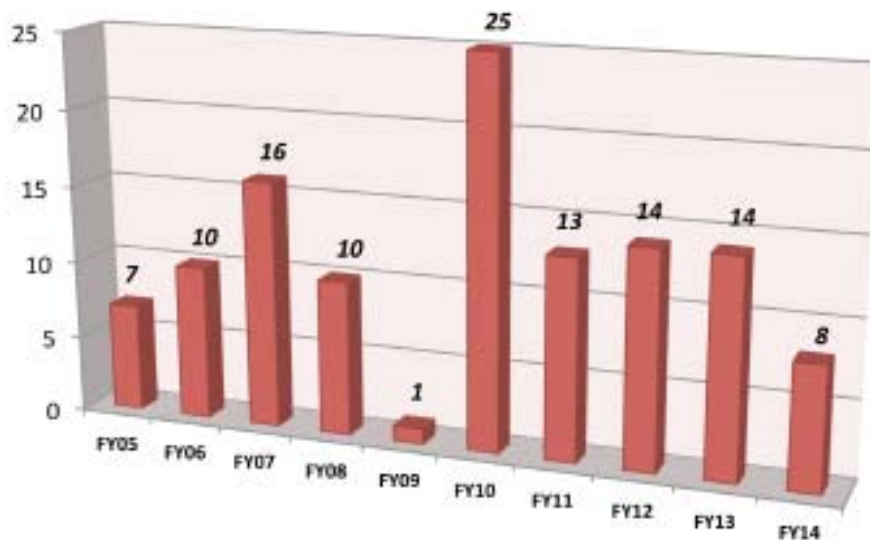
The chart on the following page illustrates the historical distribution of cases filed in the Supreme Court since 1968.

HISTORICAL CASES FILED IN THE SUPREME COURT



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

In FY 2014, 8 cases concerning 5 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 174 cases concerning 81 judges after termination of judicial office. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission had issued formal charges and then filed and requested action by the Supreme Court. Following is a ten-year history of cases disposed:



HISTORICAL INFORMAL CASE DISPOSITIONS

Short of proceeding formally on a case not warranting dismissal, the Commission may dispose of a matter informally. Informal dispositions are not filed with the Supreme Court and remain confidential pursuant to Article VI, §32 of the New Mexico Constitution. Allegations disposed of informally were found to merit notice to the judge, but due to their nature, the judge's experience and disciplinary history, or a number of other factors, the Commission determined that an informal disposition was appropriate to address the issues in question. With informal dispositions, there are no findings of misconduct.

Informal dispositions include issuing private letters of caution, referring the judge for mentorship, or entering into a stipulation agreement concerning the conduct in question. Since its formation in 1968 through June 30, 2014, the Commission has informally disposed of 358 case files. The following tables illustrate the distribution of the informal cautionary letter and mentorship dispositions. A brief discussion concerning confidential stipulation agreements follows thereafter.

CAUTIONARY LETTERS (266 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL CAUTIONS
Supreme Court	1	0.4%
Court of Appeals	2	0.8%
District Court	73	27.4%
Metropolitan Court	28	10.5%
Magistrate Court	97	36.5%
Municipal Court	62	23.3%
Probate Court	3	1.1%

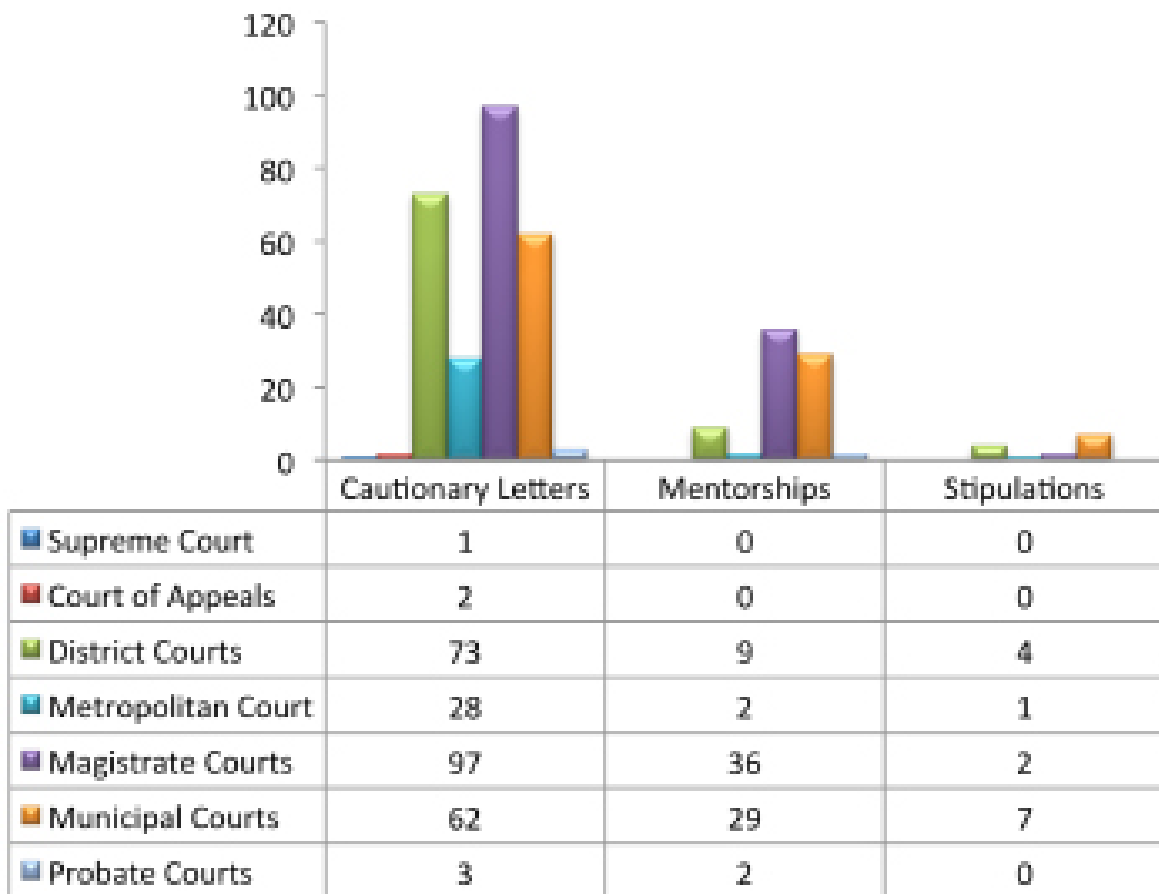
MENTORSHIPS (83 CASES)

JUDICIAL BRANCH INVOLVED	NUMBER OF CASE FILES	PERCENT OF ALL MENTORSHIPS
Supreme Court	0	0.0%
Court of Appeals	0	0.0%
District Court	10	12.1%
Metropolitan Court	2	2.4%
Magistrate Court	38	45.8%
Municipal Court	31	37.3%
Probate Court	2	2.4%

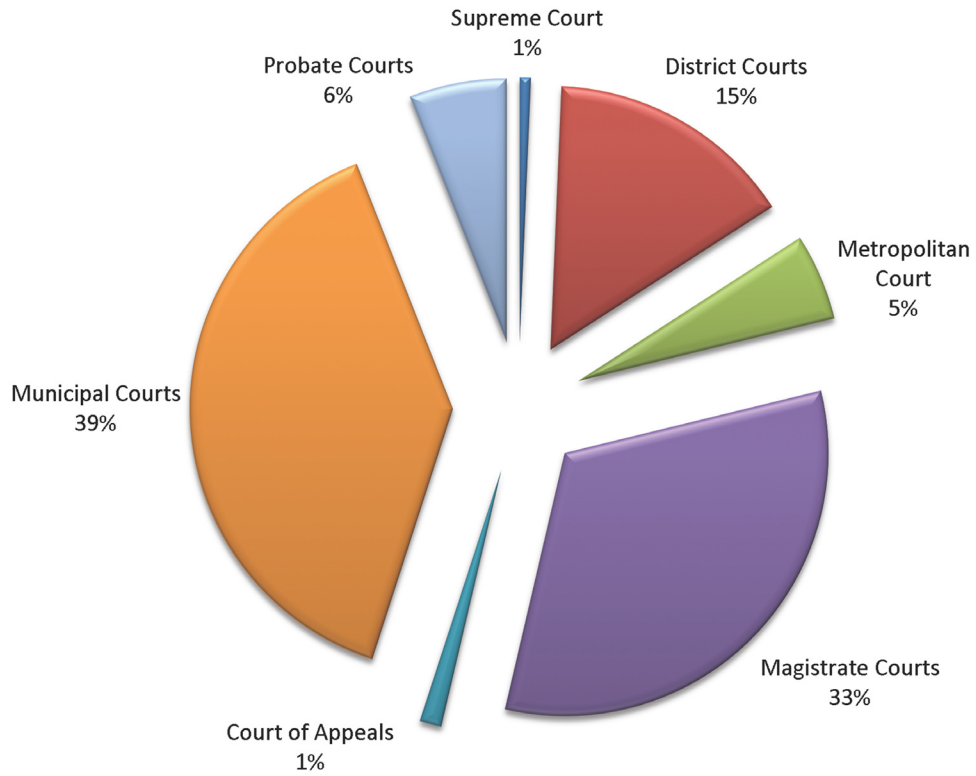
CONFIDENTIAL STIPULATIONS

In addition to private letters of caution and referrals to the mentor program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2014, 1 case was disposed through confidential stipulation. Historically, the Commission has disposed of 9 cases through informal stipulation.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS

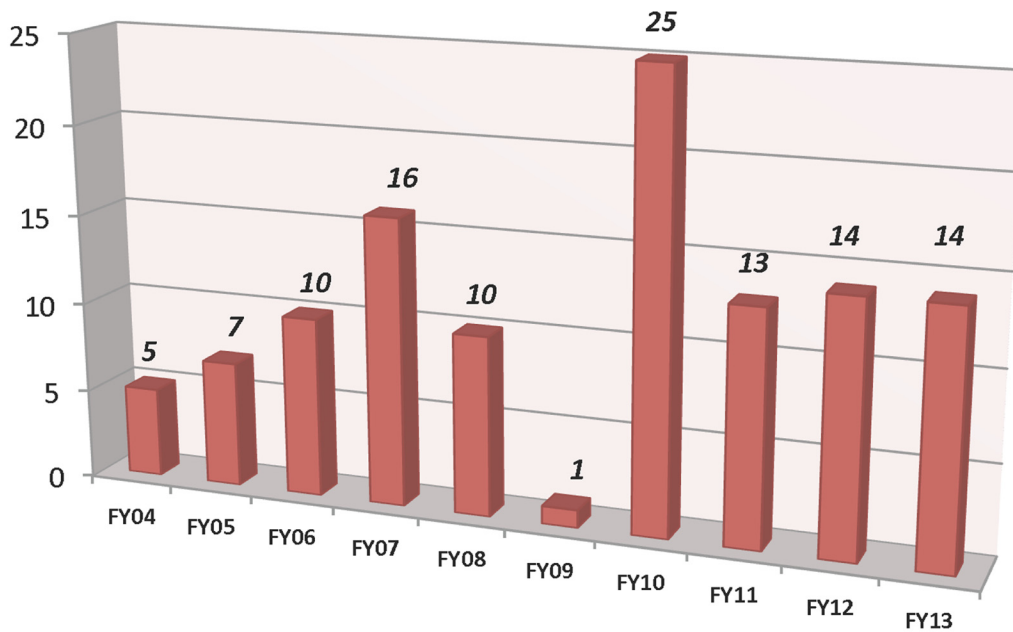


All Supreme Court Filings (1968-Present)



PUBLIC CASES DISPOSED BY TERMINATION OF JUDICIAL OFFICE

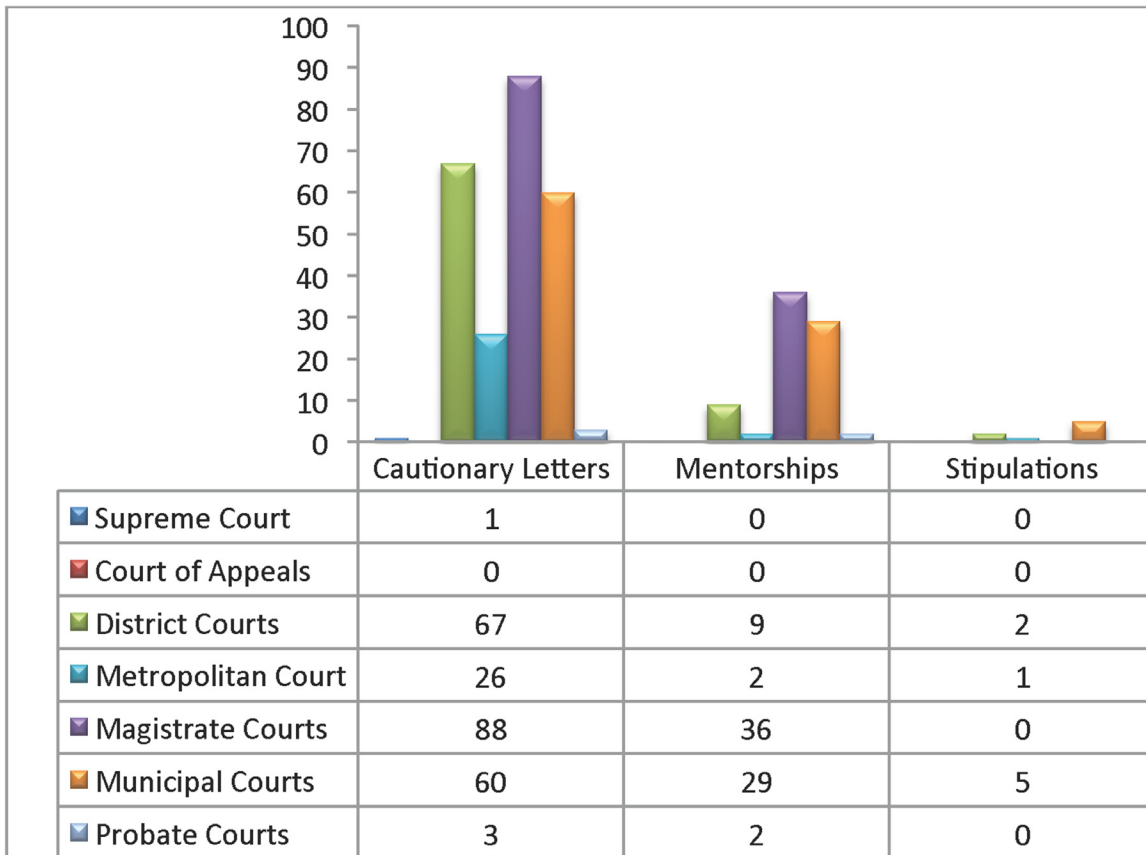
In FY 2013, 14 cases concerning 8 judges were disposed after termination of judicial office in public proceedings before the Supreme Court. Since its inception, the Commission has disposed of 166 cases concerning 76 judges after termination of judicial office. These cases include involuntary or stipulated permanent removal, retirement, or resignation from office after the Commission had issued formal charges and then filed and requested action by the Supreme Court. Following is a ten-year history of cases disposed:



CONFIDENTIAL STIPULATIONS (8 CASES)

In addition to private letters of caution and referrals to the mentor program, the Commission may informally dispose of cases through confidential stipulations with judges. Stipulations typically require judges to retire, resign, or cease improper conduct. In FY 2013, 0 cases were disposed through confidential stipulation. Historically, the Commission has disposed of 8 cases through informal stipulation.

HISTORICAL GRAPHICAL SUMMARY OF INFORMAL CASE DISPOSITIONS



FORMAL PROCEEDINGS

In FY 2013, the Commission concluded 11 cases by formal proceedings before the Commission and/or the New Mexico Supreme Court. Below are summaries of all formal proceedings with events occurring in and/or which were completed in FY 2013, including but not limited to the 11 in FY 2013:

MATTER OF HON. JOHN L. SANCHEZ

Mora County Magistrate Court

JSC Inquiry Nos. 2009-070, 2009-098, 2010-024 & 2010-076

Supreme Court Docket No. 32,903

The Commission initiated matters pursuant to the Notices of Formal Proceedings and Answers filed in each inquiry number. In Inquiry Number 2009-070, the Notice of Formal Proceedings was filed on August 25, 2010 and Judge Sanchez (Respondent) filed his Answer on September 13, 2010. In consolidated Inquiry Numbers 2009-098 & 2010-024, the Notice of Formal Proceedings was filed on August 25, 2010 and the Respondent's Answer was filed on September 13, 2010. In Inquiry Number 2010-076, the Notice of Formal Proceedings was filed on September 3, 2010 and the Respondent's Answer was filed on September 22, 2010.

On March 14, 2011, the Commission and Judge Sanchez entered into an Amended Stipulation Agreement and Consent to Discipline. Judge Sanchez admitted the following:

1. Judge Sanchez failed to recuse himself prior to making rulings in a criminal case with his nephew, Daryl Sanchez, in *State v. Daryl Sanchez*, MR-37-2009-0110. Judge Sanchez arraigned his nephew in the case. Judge Sanchez set conditions of release of an unsecured appearance bond. Respondent altered the standard conditions of release and ordered that this nephew be allowed to leave the county of Mora during the pendency of his case.

2. Judge Sanchez ordered and signed an order appointing the Public Defender to represent his nephew in *State v. Daryl Sanchez*, MR-37-2009-0110, even though his nephew was not indigent and did not qualify for Public Defender representation based on income.

3. Judge Sanchez's admitted conduct set forth violated the Canons of the Code of Judicial Conduct. Judge Sanchez agreed that his admitted conduct as set forth constituted willful misconduct in office and provided sufficient basis for the New Mexico Supreme Court to impose discipline against Judge Sanchez pursuant to Article VI, §32 of the New Mexico Constitution.

4. Judge Sanchez agreed to accept the following formal discipline from the Supreme Court:

A. Twelve-Month Supervised Probation and Formal Mentorship. The Commission shall recommend the probation supervisor/mentor, for consideration and appointment by the Supreme Court. The probation supervisor/mentor shall report on the progress and outcome of the mentorship to the Supreme Court and the Commission.

B. Complete a Course from the National Judicial College. Respondent shall attend all sections and complete a course from the National Judicial College recommended by the Commission and approved by the Supreme Court. Respondent shall not teach any portion of the approved course from the National Judicial College. Respondent shall pay all costs, including travel and tuition associated with attendance and completion of the course.

NEW YORK STATE

**COMMISSION ON JUDICIAL
CONDUCT**



**ANNUAL REPORT
2017**

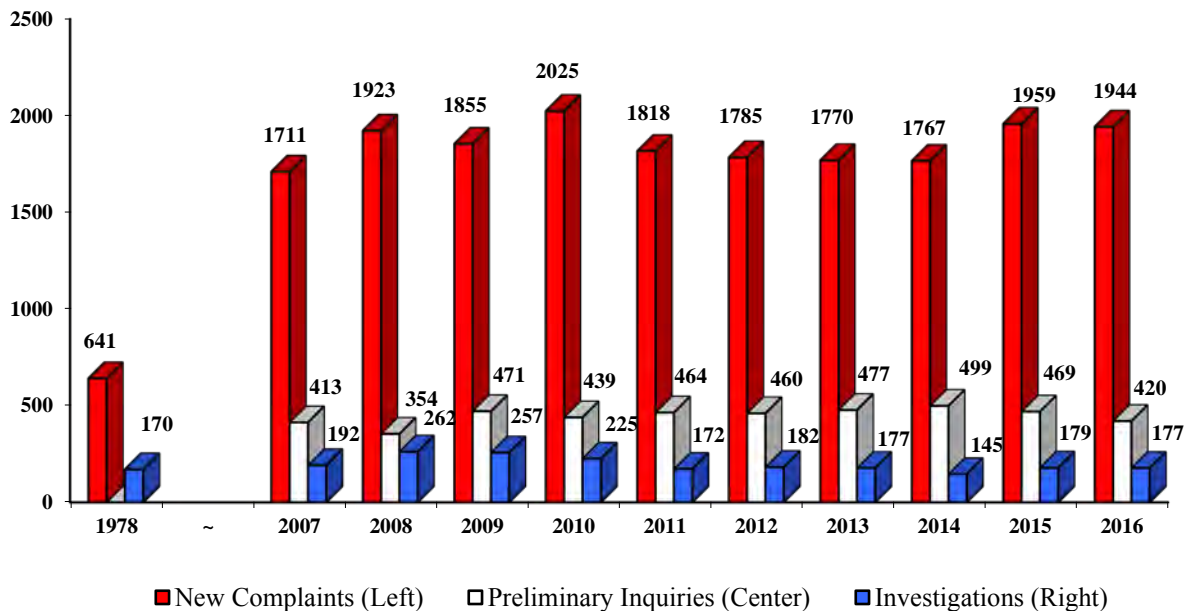
INTRODUCTION TO THE 2017 ANNUAL REPORT

The New York State Commission on Judicial Conduct is the independent agency designated by the State Constitution to review complaints of misconduct against judges and justices of the State Unified Court System and, where appropriate, render public disciplinary determinations of admonition, censure or removal from office. There are approximately 3,350 judicial positions in the system filled by approximately 3,150 individuals, in that some town or village justices serve in more than one town or village court.

The Commission’s objective is to enforce high standards of conduct for judges, who must be free to act independently, on the merits and in good faith, but also must be held accountable should they commit misconduct. The text of the Rules Governing Judicial Conduct, promulgated by the Chief Administrator of the Courts on approval of the Court of Appeals, is annexed.

The number of complaints received annually by the Commission in the past 10 years has substantially increased compared to the first three decades of the Commission’s existence. Since 2007, the Commission has averaged 1,856 new complaints per year, 447 preliminary inquiries and 197 investigations. Last year, 1,944 new complaints were received, the third highest total ever. Every complaint was reviewed by investigative and legal staff, and a report was prepared for each complaint. All such complaints and reports were reviewed by the entire Commission, which then voted on which complaints merited opening full scale investigations. As to these new complaints, there were 420 preliminary reviews and inquiries and 177 investigations.

This report covers Commission activity in the year 2016.



COMPLAINTS, INQUIRIES & INVESTIGATIONS IN THE LAST TEN YEARS

ACTION TAKEN IN 2016

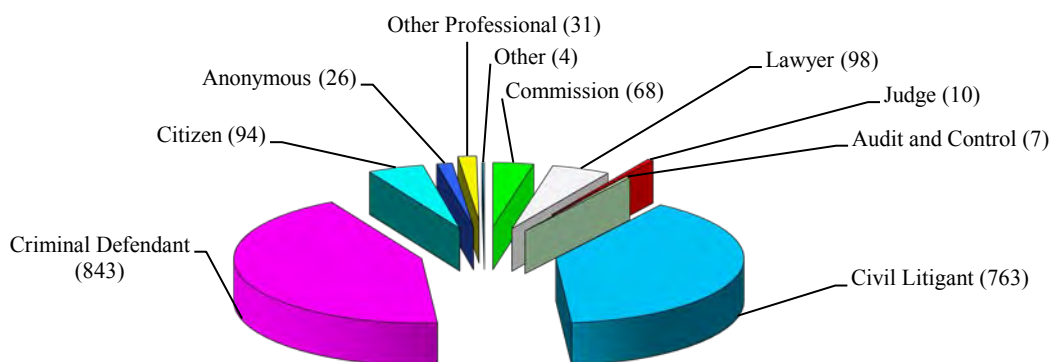
Following are summaries of the Commission’s actions in 2016, including accounts of all public determinations, summaries of non-public dispositions, and various numerical breakdowns of complaints, investigations and other dispositions.

COMPLAINTS RECEIVED

The Commission received 1,944 new complaints in 2016. All complaints are summarized and analyzed by staff and reviewed by the Commission, which votes whether to investigate.

New complaints dismissed upon initial review are those that the Commission deems to be clearly without merit, not alleging misconduct or outside its jurisdiction, including complaints against non-judges, federal judges, administrative law judges, judicial hearing officers, referees and New York City Housing Court judges. Absent any underlying misconduct, such as demonstrated prejudice, conflict of interest or flagrant disregard of fundamental rights, the Commission does not investigate complaints concerning disputed judicial rulings or decisions. The Commission is not an appellate court and cannot intervene in a pending case, or reverse or remand trial court decisions.

A breakdown of the sources of complaints received by the Commission in 2016 appears in the following chart.



COMPLAINT SOURCES IN 2016

PRELIMINARY INQUIRIES AND INVESTIGATIONS

The Commission’s Operating Procedures and Rules authorize “preliminary analysis and clarification” and “preliminary fact-finding activities” by staff upon receipt of new complaints, to aid the Commission in determining whether an investigation is warranted. In 2016, staff conducted 420 such preliminary inquiries, requiring such steps as interviewing the attorneys involved, analyzing court files and reviewing trial transcripts.

In 177 matters, the Commission authorized full-fledged investigations. Depending on the nature of the complaint, an investigation may entail interviewing witnesses, subpoenaing witnesses to testify and produce documents, assembling and analyzing various court, financial or other records, making court observations, and writing to or taking testimony from the judge.

During 2016, in addition to the 177 new investigations, there were 175 investigations pending from the previous year. The Commission disposed of the combined total of 352 investigations as follows:

- 91 complaints were dismissed outright.
- 30 complaints involving 23 different judges were dismissed with letters of dismissal and caution.
- 19 complaints involving 15 different judges were closed upon the judge's resignation, three becoming public by stipulation and 12 that were not public.
- 16 complaints involving 12 different judges were closed upon vacancy of office due to reasons other than resignation, such as the expiration of the judge's term.
- 19 complaints involving 13 different judges resulted in formal charges being authorized.
- 177 investigations were pending as of December 31, 2016.

FORMAL WRITTEN COMPLAINTS

As of January 1, 2016, there were pending Formal Written Complaints in 28 matters involving eight judges. In 2016, Formal Written Complaints were authorized in 19 additional matters involving 13 judges. Of the combined total of 47 matters involving 21 different judges, the Commission acted as follows:

- 17 matters involving eight different judges resulted in formal discipline (admonition, censure or removal).
- Two matters involving two different judges were closed upon the judges' resignation from office and became public by stipulation.
- 12 matters involving two judges were closed upon vacancy of office due to reasons other than resignation, such as the expiration of the judge's term.
- 16 matters involving nine different judges were pending as of December 31, 2016.

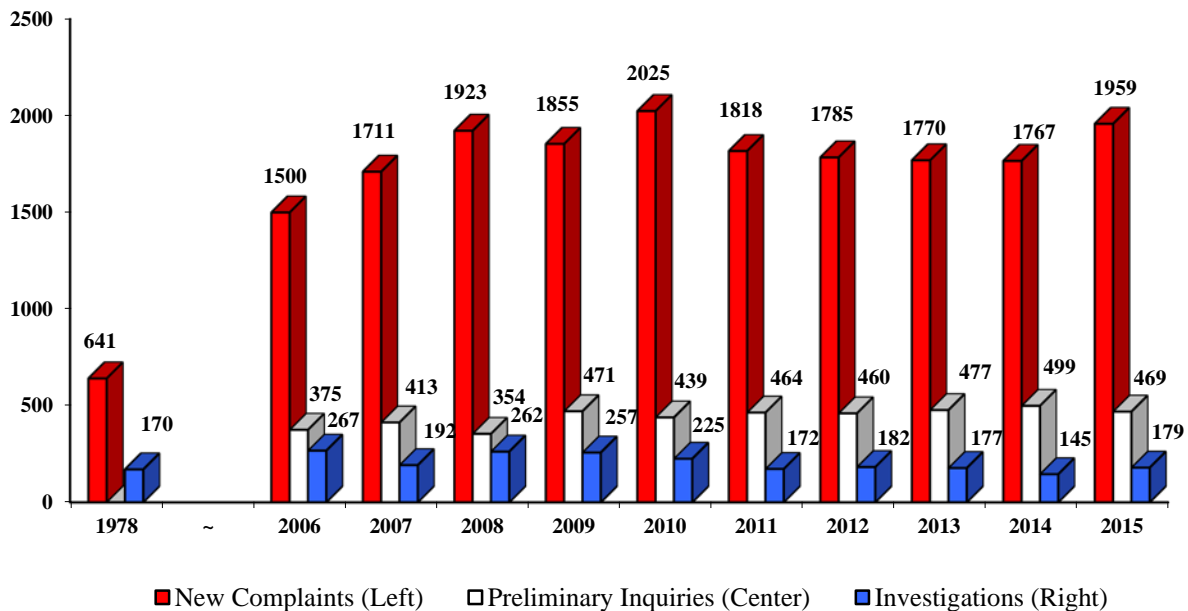
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The Commission’s objective is to enforce high standards of conduct for judges, who must be free to act independently, on the merits and in good faith, but also must be held accountable should they commit misconduct. The text of the Rules Governing Judicial Conduct, promulgated by the Chief Administrator of the Courts on approval of the Court of Appeals, is annexed.

The number of complaints received annually by the Commission in the past 10 years has substantially increased compared to the first two decades of the Commission’s existence. Since 2006, the Commission has averaged 1,811 new complaints per year, 442 preliminary inquiries and 206 investigations. Last year, 1,959 new complaints were received, the second highest total ever. Every complaint was reviewed by investigative and legal staff, and a report was prepared for each complaint. All such complaints and reports were reviewed by the entire Commission, which then voted on which complaints merited opening full scale investigations. As to these new complaints, there were 469 preliminary reviews and inquiries and 179 investigations.

This report covers Commission activity in the year 2015.



COMPLAINTS, INQUIRIES & INVESTIGATIONS IN THE LAST TEN YEARS

ACTION TAKEN IN 2015

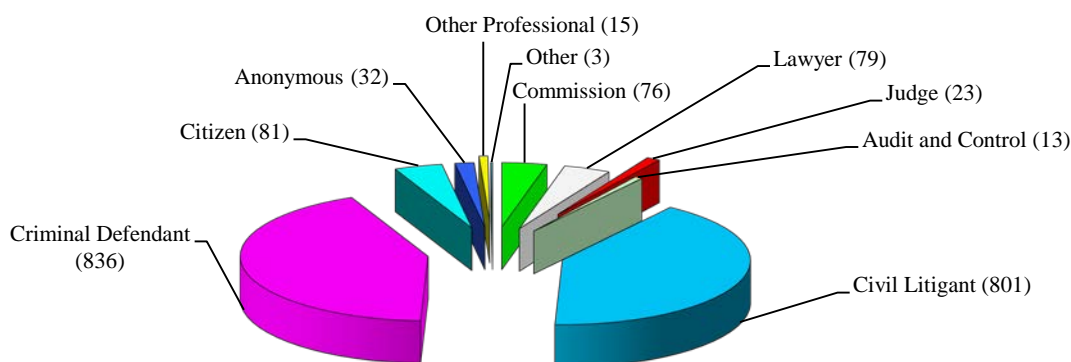
Following are summaries of the Commission's actions in 2015, including accounts of all public determinations, summaries of non-public decisions, and various numerical breakdowns of complaints, investigations and other dispositions.

COMPLAINTS RECEIVED

The Commission received 1,959 new complaints in 2015. All complaints are summarized and analyzed by staff and reviewed by the Commission, which votes whether to investigate.

New complaints dismissed upon initial review are those that the Commission deems to be clearly without merit, not alleging misconduct or outside its jurisdiction, including complaints against non-judges, federal judges, administrative law judges, judicial hearing officers, referees and New York City Housing Court judges. Absent any underlying misconduct, such as demonstrated prejudice, conflict of interest or flagrant disregard of fundamental rights, the Commission does not investigate complaints concerning disputed judicial rulings or decisions. The Commission is not an appellate court and cannot intervene in a pending case, or reverse or remand trial court decisions.

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COMPLAINT SOURCES IN 2015

PRELIMINARY INQUIRIES AND INVESTIGATIONS

The Commission's Operating Procedures and Rules authorize "preliminary analysis and clarification" and "preliminary fact-finding activities" by staff upon receipt of new complaints, to aid the Commission in determining whether an investigation is warranted. In 2015, staff conducted 469 such preliminary inquiries, requiring such steps as interviewing the attorneys involved, analyzing court files and reviewing trial transcripts.

In 179 matters, the Commission authorized full-fledged investigations. Depending on the nature of the complaint, an investigation may entail interviewing witnesses, subpoenaing witnesses to testify and produce documents, assembling and analyzing various court, financial or other records, making court observations, and writing to or taking testimony from the judge.

During 2015, in addition to the 179 new investigations, there were 138 investigations pending from the previous year. The Commission disposed of the combined total of 317 investigations as follows:

- 80 complaints were dismissed outright.
- 23 complaints involving 22 different judges were dismissed with letters of dismissal and caution.
- 20 complaints involving 16 different judges were closed upon the judge's resignation, five becoming public by stipulation and 11 that were not public.
- Nine complaints involving seven different judges were closed upon vacancy of office due to reasons other than resignation, such as the expiration of the judge's term.
- 10 complaints involving six different judges resulted in formal charges being authorized.
- 175 investigations were pending as of December 31, 2015.

FORMAL WRITTEN COMPLAINTS

As of January 1, 2015, there were pending Formal Written Complaints in 33 matters involving 16 judges. In 2015, Formal Written Complaints were authorized in 10 additional matters involving six judges (as to two of whom a Formal Written Complaint was already pending). Of the combined total of 43 matters involving 20 different judges, the Commission acted as follows:

- 12 matters involving nine different judges resulted in formal discipline (admonition or censure).
- One matter involving one judge resulted in a letter of caution after formal disciplinary proceedings that resulted in a finding of misconduct.
- Two matters involving two different judges were closed upon the judges' resignation from office and became public by stipulation.
- 28 matters involving eight different judges were pending as of December 31, 2015.

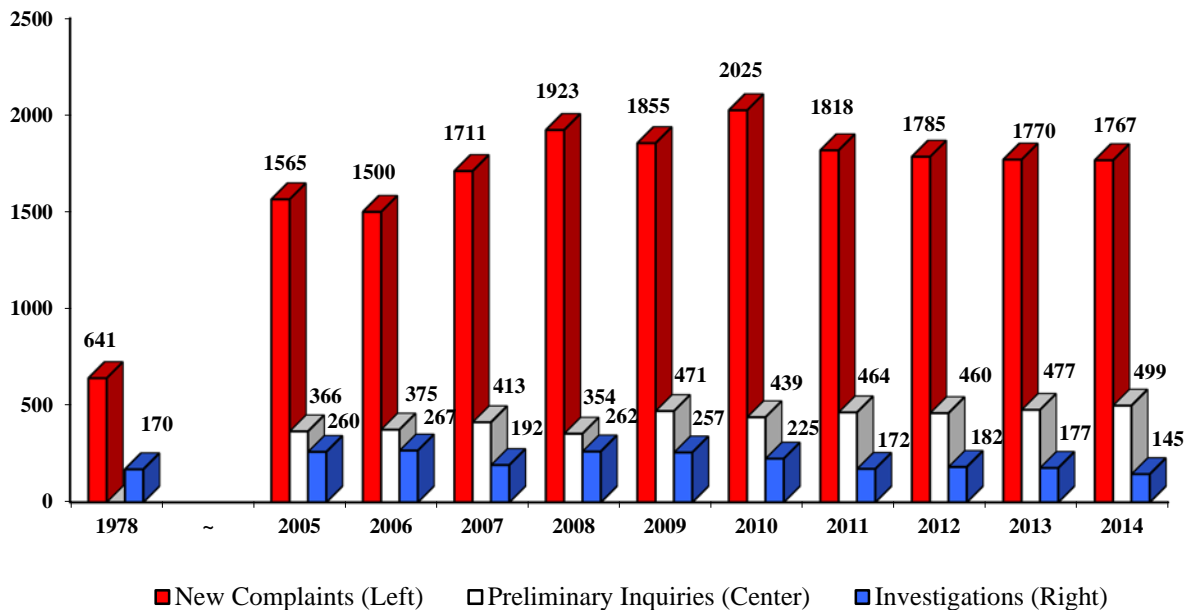
INTRODUCTION TO THE 2015 ANNUAL REPORT

The New York State Commission on Judicial Conduct is the independent agency designated by the State Constitution to review complaints of misconduct against judges and justices of the State Unified Court System and, where appropriate, render public disciplinary determinations of admonition, censure or removal from office. There are approximately 3,300 judges and justices in the system.

The Commission’s objective is to enforce high standards of conduct for judges, who must be free to act independently, on the merits and in good faith, but also must be held accountable should they commit misconduct. The text of the Rules Governing Judicial Conduct, promulgated by the Chief Administrator of the Courts on approval of the Court of Appeals, is annexed.

The number of complaints received annually by the Commission in the past 10 years has substantially increased compared to the first two decades of the Commission’s existence. Since 2005, the Commission has averaged 1,770 new complaints per year, 430 preliminary inquiries and 215 investigations. Last year, 1,767 new complaints were received. Every complaint was reviewed by investigative and legal staff, and a report was prepared for each complaint. All such complaints and reports were reviewed by the entire Commission, which then voted on which complaints merited opening full scale investigations. As to these new complaints, there were 499 preliminary reviews and inquiries and 145 investigations.

This report covers Commission activity in the year 2014.



COMPLAINTS, INQUIRIES & INVESTIGATIONS IN THE LAST TEN YEARS

ACTION TAKEN IN 2014

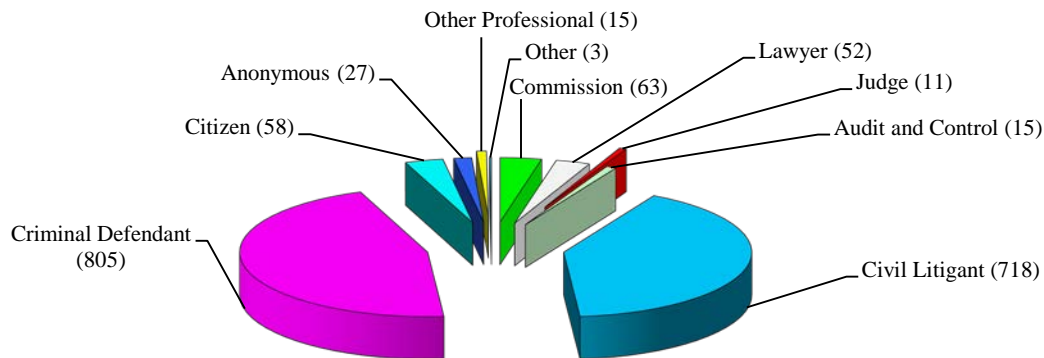
Following are summaries of the Commission’s actions in 2014, including accounts of all public determinations, summaries of non-public decisions, and various numerical breakdowns of complaints, investigations and other dispositions.

COMPLAINTS RECEIVED

The Commission received 1,767 new complaints in 2014. All complaints are summarized and analyzed by staff and reviewed by the Commission, which votes whether to investigate.

New complaints dismissed upon initial review are those that the Commission deems to be clearly without merit, not alleging misconduct or outside its jurisdiction, including complaints against non-judges, federal judges, administrative law judges, judicial hearing officers, referees and New York City Housing Court judges. Absent any underlying misconduct, such as demonstrated prejudice, conflict of interest or flagrant disregard of fundamental rights, the Commission does not investigate complaints concerning disputed judicial rulings or decisions. The Commission is not an appellate court and cannot intervene in a pending case, or reverse or remand trial court decisions.

A breakdown of the sources of complaints received by the Commission in 2014 appears in the following chart.



COMPLAINT SOURCES IN 2014

PRELIMINARY INQUIRIES AND INVESTIGATIONS

The Commission’s Operating Procedures and Rules authorize “preliminary analysis and clarification” and “preliminary fact-finding activities” by staff upon receipt of new complaints, to aid the Commission in determining whether an investigation is warranted. In 2014, staff conducted 499 such preliminary inquiries, requiring such steps as interviewing the attorneys involved, analyzing court files and reviewing trial transcripts.

In 145 matters, the Commission authorized full-fledged investigations. Depending on the nature of the complaint, an investigation may entail interviewing witnesses, subpoenaing witnesses to testify and produce documents, assembling and analyzing various court, financial or other records, making court observations, and writing to or taking testimony from the judge.

During 2014, in addition to the 145 new investigations, there were 185 investigations pending from the previous year. The Commission disposed of the combined total of 330 investigations as follows:

- 101 complaints were dismissed outright.
- 28 complaints involving 23 different judges were dismissed with letters of dismissal and caution.
- 18 complaints involving 14 different judges were closed upon the judge's resignation, four becoming public by stipulation and 10 that were not public.
- 11 complaints involving 9 different judges were closed upon vacancy of office due to reasons other than resignation, such as the expiration of the judge's term.
- 34 complaints involving 18 different judges resulted in formal charges being authorized.
- 138 investigations were pending as of December 31, 2014.

FORMAL WRITTEN COMPLAINTS

As of January 1, 2014, there were pending Formal Written Complaints in 16 matters involving 10 judges. In 2014, Formal Written Complaints were authorized in 34 additional matters involving 18 judges (as to one of whom a Formal Written Complaint was already pending). Of the combined total of 50 matters involving 27 different judges, the Commission acted as follows:

- Seven matters involving five different judges resulted in formal discipline (admonition or censure).
- Nine matters involving five different judges were closed upon the judge's resignation from office, three becoming public by stipulation and two that were not public.
- One matter involving one judge was closed due to the expiration of the judge's term.
- 33 matters involving 16 different judges were pending as of December 31, 2014.

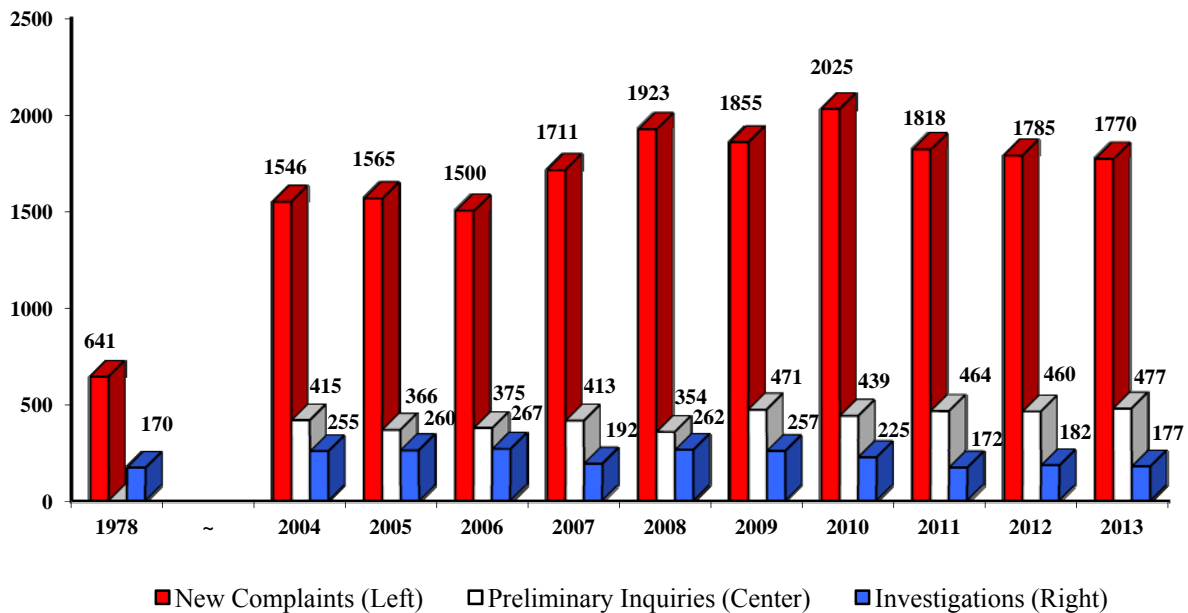
INTRODUCTION TO THE 2014 ANNUAL REPORT

The New York State Commission on Judicial Conduct is the independent agency designated by the State Constitution to review complaints of misconduct against judges and justices of the State Unified Court System and, where appropriate, render public disciplinary determinations of admonition, censure or removal from office. There are approximately 3,300 judges and justices in the system.

The Commission’s objective is to enforce high standards of conduct for judges, who must be free to act independently, on the merits and in good faith, but also must be held accountable should they commit misconduct. The text of the Rules Governing Judicial Conduct, promulgated by the Chief Administrator of the Courts on approval of the Court of Appeals, is annexed.

The number of complaints received annually by the Commission in the past 10 years has substantially increased compared to the first two decades of the Commission’s existence. Since 2004, the Commission has averaged 1,750 new complaints per year, 424 preliminary inquiries and 224 investigations. Last year, 1,770 new complaints were received. Every complaint was reviewed by investigative and legal staff, and a report was prepared for each complaint. All such complaints and reports were reviewed by the entire Commission, which then voted on which complaints merited opening full-scale investigations. As to these new complaints, there were 477 preliminary reviews and inquiries and 177 investigations.

This report covers Commission activity in the year 2013.



COMPLAINTS, INQUIRIES & INVESTIGATIONS IN THE LAST TEN YEARS

ACTION TAKEN IN 2013

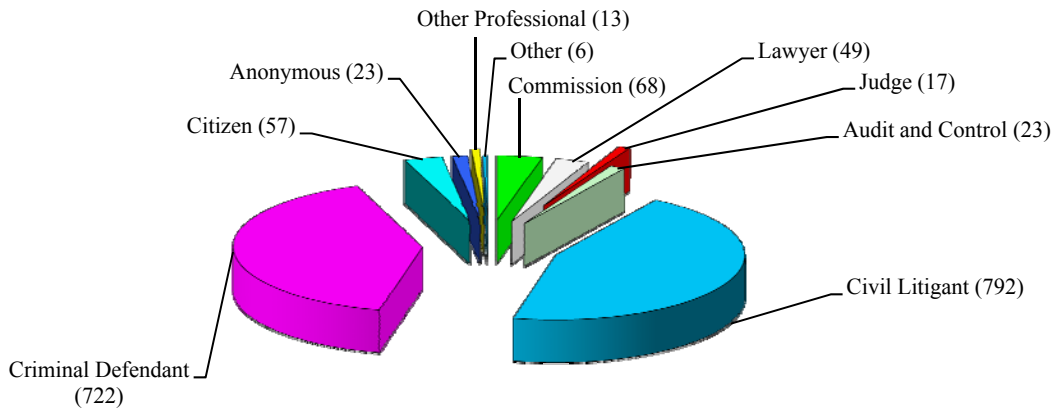
Following are summaries of the Commission’s actions in 2013, including accounts of all public determinations, summaries of non-public decisions, and various numerical breakdowns of complaints, investigations and other dispositions.

COMPLAINTS RECEIVED

The Commission received 1,770 new complaints in 2013. All complaints are summarized and analyzed by staff and reviewed by the Commission, which votes whether to investigate.

New complaints dismissed upon initial review are those that the Commission deems to be clearly without merit, not alleging misconduct or outside its jurisdiction, including complaints against non-judges, federal judges, administrative law judges, judicial hearing officers, referees and New York City Housing Court judges. Absent any underlying misconduct, such as demonstrated prejudice, conflict of interest or flagrant disregard of fundamental rights, the Commission does not investigate complaints concerning disputed judicial rulings or decisions. The Commission is not an appellate court and cannot intervene in a pending case, or reverse or remand trial court decisions.

A breakdown of the sources of complaints received by the Commission in 2013 appears in the following chart.



COMPLAINT SOURCES IN 2013

PRELIMINARY INQUIRIES AND INVESTIGATIONS

The Commission’s Operating Procedures and Rules authorize “preliminary analysis and clarification” and “preliminary fact-finding activities” by staff upon receipt of new complaints, to aid the Commission in determining whether an investigation is warranted. In 2013, staff conducted 477 such preliminary inquiries, requiring such steps as interviewing the attorneys involved, analyzing court files and reviewing trial transcripts.

In 177 matters, the Commission authorized full-fledged investigations. Depending on the nature of the complaint, an investigation may entail interviewing witnesses, subpoenaing witnesses to testify and produce documents, assembling and analyzing various court, financial or other records, making court observations, and writing to or taking testimony from the judge.

During 2013, in addition to the 177 new investigations, there were 183 investigations pending from the previous year. The Commission disposed of the combined total of 360 investigations as follows:

- 113 complaints were dismissed outright.
- 17 complaints involving 17 different judges were dismissed with letters of dismissal and caution.
- 12 complaints involving 8 different judges were closed upon the judge's resignation.
- 11 complaints involving 10 different judges were closed upon vacancy of office due to reasons other than resignation, such as the expiration of the judge's term.
- 22 complaints involving 17 different judges resulted in formal charges being authorized.
- 185 investigations were pending as of December 31, 2013.

FORMAL WRITTEN COMPLAINTS

As of January 1, 2013, there were pending Formal Written Complaints in 23 matters involving 14 different judges. In 2013, Formal Written Complaints were authorized in 22 additional matters involving 17 different judges. Of the combined total of 45 matters involving 31 judges, the Commission acted as follows:

- 16 matters involving 12 different judges resulted in formal discipline (admonition, censure or removal from office).
- One matter involving one judge resulted in a letter of caution after formal disciplinary proceedings that resulted in a finding of misconduct.
- Eight matters involving five different judges were closed upon the judge's resignation from office, all five resignations becoming public by stipulation.
- Three matters involving two different judges were closed due to the expiration of the judge's term.
- In one matter involving one judge, the Formal Written Complaint was withdrawn and the complaint was dismissed.
- 16 matters involving 10 different judges were pending as of December 31, 2013.

TABLE 3: COUNTY COURT JUDGES – 127, FULL-TIME, ALL LAWYERS*

Complaints Received	203
Complaints Investigated	8
Judges Cautioned After Investigation	1
Formal Written Complaints Authorized	1
Judges Cautioned After Formal Complaint	0
Judges Publicly Disciplined	0
Judges Vacating Office by Public Stipulation	0
Formal Complaints Dismissed or Closed	0

* Includes seven who also serve as Surrogates, five who also serve as Family Court judges, and 37 who also serve as both Surrogates and Family Court judges.

TABLE 4: FAMILY COURT JUDGES – 127, FULL-TIME, ALL LAWYERS

Complaints Received	174
Complaints Investigated	11
Judges Cautioned After Investigation	0
Formal Written Complaints Authorized	0
Judges Cautioned After Formal Complaint	0
Judges Publicly Disciplined	0
Judges Vacating Office by Public Stipulation	0
Formal Complaints Dismissed or Closed	0

TABLE 5: SURROGATES – 76, FULL-TIME, ALL LAWYERS

Complaints Received	30
Complaints Investigated	6
Judges Cautioned After Investigation	0
Formal Written Complaints Authorized	0
Judges Cautioned After Formal Complaint	0
Judges Publicly Disciplined	1
Judges Vacating Office by Public Stipulation	0
Formal Complaints Dismissed or Closed	0

ANNUAL REPORT OF JUDICIAL DISCIPLINE IN SOUTH CAROLINA 2015 - 2016

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2015	27	
Complaints Received July 1, 2015 – June 30, 2016	<u>294</u>	
Total Complaints Pending and Received		<u>321</u>

DISPOSITION OF COMPLAINTS:

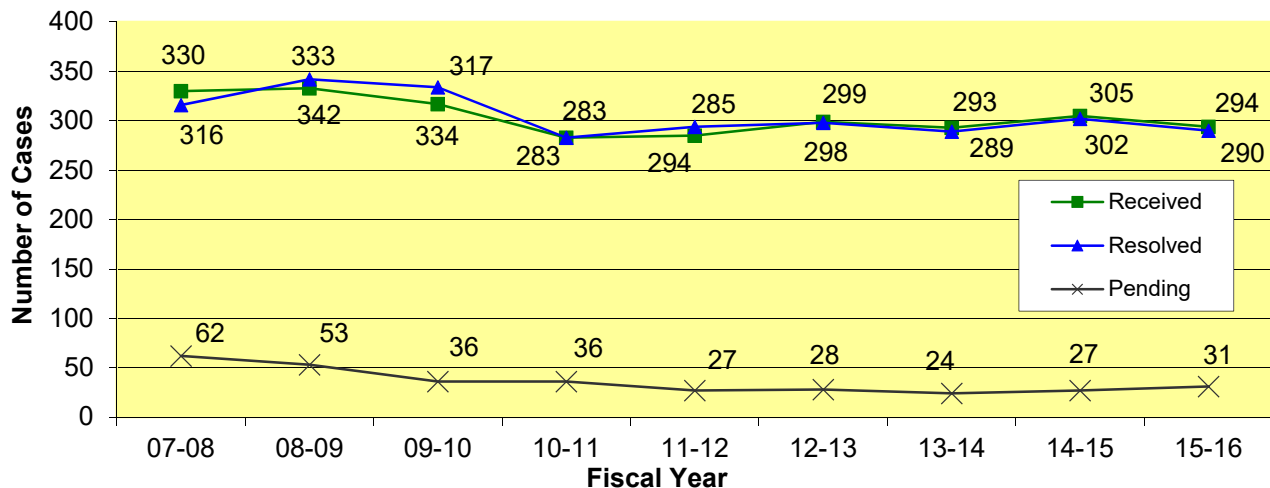
Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	172	
By Disciplinary Counsel after investigation (lack of evidence)	24	
By Investigative Panel	79	
By Supreme Court	<u>0</u>	
Total Dismissed		<u>(275)</u>

Not Dismissed:

Referral to Another Agency	0	
Closed but not Dismissed	1	
Closed due to Death	1	
Deferred Discipline Agreement	0	
Letter of Caution	13	
Confidential Admonition	0	
Public Reprimand	0	
Suspension	0	
Removal from Office	<u>0</u>	
Total Not Dismissed		<u>(15)</u>

Total Complaints Resolved	<u>(290)</u>
Total Complaints Pending as of June 30, 2016	31



**ANNUAL REPORT OF JUDICIAL DISCIPLINE IN SOUTH CAROLINA
2014 - 2015**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2014	24	
Complaints Received July 1, 2014 – June 30, 2015	<u>305</u>	
Total Complaints Pending and Received		<u>329</u>

DISPOSITION OF COMPLAINTS:

Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	193	
By Disciplinary Counsel after investigation (lack of evidence)	27	
By Investigative Panel	66	
By Supreme Court	<u>0</u>	
Total Dismissed		<u>(286)</u>

Not Dismissed:

Referral to Another Agency	0	
Closed but not Dismissed	0	
Closed due to Death	0	
Deferred Discipline Agreement	0	
Letter of Caution	13	
Confidential Admonition	1	
Public Reprimand	2	
Suspension	0	
Removal from Office	<u>0</u>	
Total Not Dismissed		<u>(16)</u>

Total Complaints Concluded		<u>(302)</u>
Total Complaints Pending as of June 30, 2015		27

JUDICIAL POSITION*:

Circuit Court Judge	85	
Magistrate	78	
Family Court Judge	57	
Probate Court Judge	30	
Municipal Court Judge	25	
Master/Referee	13	
Unknown	7	
Administrative Law Judge**	5	
Appellate Court Judge	1	
Judicial Candidate	0	

*These figures represent the number of complaints filed against each type of judge.

**By statute enacted in 2014, discipline of administrative law judges was changed from the State Ethics Commission to the Commission on Judicial Conduct.

**ANNUAL REPORT OF JUDICIAL DISCIPLINE IN SOUTH CAROLINA
2013 - 2014**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2013	28	
Complaints Received July 1, 2013 – June 30, 2014	<u>289</u>	
Total Complaints Pending and Received		<u>317</u>

DISPOSITION OF COMPLAINTS:

Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	193	
By Disciplinary Counsel after investigation (lack of evidence)	27	
By Investigative Panel	54	
By Supreme Court	<u>0</u>	
Total Dismissed		<u>(274)</u>

Not Dismissed:

Referral to Another Agency	0	
Closed but not Dismissed	0	
Closed due to Death	0	
Deferred Disciplinary Agreement	0	
Letter of Caution	14	
Admonition	4	
Public Reprimand	1	
Suspension	0	
Removal from Office	<u>0</u>	
Total Not Dismissed		<u>(19)</u>
Total Complaints Concluded		<u>(293)</u>
Total Complaints Pending as of June 30, 2014		24

JUDICIAL POSITION*:

Magistrate	94
Circuit Court	75
Family Court	56
Probate Court	26
Municipal Court	19
Master/Referee	10
Appellate Court	7
Judicial Candidate	1
Unidentified	1

*These figures represent the number of complaints filed against each type of judge.

**ANNUAL REPORT OF JUDICIAL DISCIPLINE IN SOUTH CAROLINA
2012 - 2013**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2012	27	
Complaints Received July 1, 2012 – June 30, 2013	<u>299</u>	
Total Complaints Pending and Received		<u>326</u>

DISPOSITION OF COMPLAINTS:

Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	188	
By Disciplinary Counsel after investigation (lack of evidence)	21	
By Investigative Panel	73	
By Supreme Court	<u>0</u>	
Total Dismissed		<u>(282)</u>

Not Dismissed:

Referral to Another Agency	0	
Closed but not Dismissed	0	
Closed due to Death	0	
Deferred Disciplinary Agreement	0	
Letter of Caution	9	
Admonition	1	
Public Reprimand	6	
Suspension	0	
Removal from Office	<u>0</u>	
Total Not Dismissed		<u>(16)</u>
Total Complaints Concluded		<u>(298)</u>
Total Complaints Pending as of June 30, 2013		28

JUDICIAL POSITION*:

Magistrate	93
Circuit Court	70
Family Court	64
Municipal Court	35
Probate Court	24
Master/Referee	11
Appellate Court	2
Judicial Candidate	0

*These figures represent the number of complaints filed against each type of judge.

SOURCE OF COMPLAINT:

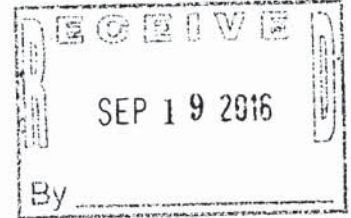
Litigant	85.95%
Family/Friend of Litigant	5.35%
Citizen (not involved in case)	1.67%
Disciplinary Counsel	1.00%
Family/Friend of Victim	1.00%
Another Judge	1.00%
Law Enforcement	1.00%
Self-Report	1.00%
Attorney	1.00%
Employee	<1.00%
Litigation Witness	<1.00%
Public Official/Agency	<1.00%

CASE TYPE:

Criminal	40.54%
Domestic	21.28%
General Civil	19.59%
Probate	8.11%
Not Case Related	4.05%
Post-Conviction Relief	2.70%
Debt Collection/Foreclosure	2.36%
Employment	<1.00%
Personal Injury	<1.00%
Real Estate	<1.00%

ALLEGED MISCONDUCT:

Fairness/Bias/Prejudice	76.47%
Temperament	7.35%
Diligence	5.51%
Disqualification/Recusal/Conflict	5.15%
Criminal Conduct	1.84%
Civility	1.84%
Political Activity/Campaign	<1.00%
Probate Conduct	<1.00%
Trust Account Conduct	<1.00%
Supervision/Employee Relations	<1.00%



Adm2016-00040

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

September 14, 2016

James M. Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Kenny Armstrong
Miles Burdine
Angelita B. Dalton
Joe F. Fowlkes
Tas Gardner
Dee Gay

J. Ronald Hickman
Chris A. Hodges
Thomas W. Lawless
Christy R. Little
Larry J. Logan
Norma Ogle
Ward Phillips
J. Michael Sharp
Dwight E. Stokes

Russell Humphrey
Chief Clerk of the Senate
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Joe McCord
Chief Clerk of the House
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the Quarterly Report for the fourth quarter of this fiscal year, as mandated by Tenn. Code Ann. § 17-5-207(b).

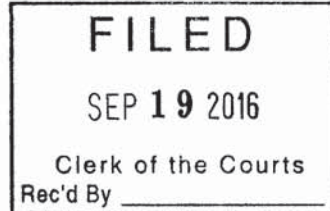
Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft".

CHRIS CRAFT
Board Chair

CC/bep

BOARD OF JUDICIAL CONDUCT
FISCAL YEAR 2015-2016 FOURTH QUARTERLY REPORT
(For the period 4/1/16 through 6/30/16)
Due 9/20/16



The number of complaints OPENED¹ this quarter is 94. Year to date the number is 411.

The number of complaints CLOSED this quarter is 80. Year to date the number is 381.

The DISPOSITION of the complaints closed this quarter is:

		YTD	FY 2012-13	FY 2013-14	FY 2014-15
Dismissed, complaint about court ruling----	60	255	209	253	228
Dismissed, no jurisdiction -----	2	9	15	8	23
Dismissed, inadequate factual basis -----	16	93	99	98	105
Dismissal with warning -----	0	3	11	19	19
Dismissal after full investigation -----	0	0	0	1	1
Deferred discipline agreement -----	0	2	1	1	1
Private reprimand -----	0	6	8	1	3
Private censure -----	0	0	0	0	0
Public reprimand -----	1	6	5	4	2
Public censure -----	0	0	1	3	2
Other -----	1	5	0	5	4
Retired complaint, no longer a judge -----	0	2	1	17	15
Cease and Desist Order-----	0	0	0	1	1
Suspension -----	0	0	0	0	0
Recommendation of removal from office --	0	0	0	0	0
TOTAL	80	381	350	411	404

The number of complaints PENDING on the last day of this quarter is 82.

The number of complaints for which PROBABLE CAUSE WAS FOUND² this quarter is 4.
The number year to date is 26.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.
The number year to date is 0.

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

-
1. A single complaint naming several judges is counted as a separate complaint against each judge. A complaint whose allegations encompass more than one category is listed under the most serious category alleged.
 2. "Probable cause was found" means that Disciplinary Counsel and the investigative panel believe that there is evidence supporting the allegations against a judge and the investigative panel has authorized a full investigation pursuant to Tenn. Code Ann. §17-5-304 (c)(3).

		<u>YTD</u>	FY 2012-13	FY 2013-14	FY 2014-15
A) Failure to comply with the law:					
Criminal -----	15	92	74	77	75
Circuit -----	19	65	50	65	70
Chancery -----	5	23	21	18	16
General Sessions -----	16	78	63	72	57
Juvenile -----	0	1	5	4	5
Magistrate and Referee-----	2	8	17	16	14
Municipal -----	0	4	5	8	4
Commissioner -----	2	5	3	1	9
Probate -----	0	1	1	0	0
Appellate Court -----	2	12	1	13	2
Senior and Retired -----	0	1	3	5	1
Other -----	1	4	8	4	11
TOTAL	62	294	253	283	264

		<u>YTD</u>	2012-13	2013-14	2014-15
B) Bias, prejudice and unfairness:					
Criminal -----	0	4	6	6	8
Circuit -----	3	8	6	1	10
Chancery -----	1	4	4	0	0
General Sessions -----	3	9	10	3	14
Juvenile -----	0	0	3	0	3
Magistrate and Referee-----	1	6	4	0	3
Municipal -----	0	0	0	1	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	8	31	33	11	38

		<u>YTD</u>	2012-13	2013-14	2014-15
C) Discourtesy:					
Criminal -----	1	3	4	3	2
Circuit -----	0	1	3	0	0
Chancery -----	0	1	0	0	0
General Sessions -----	1	6	4	4	4
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	1	1	3	0	0
Municipal -----	0	0	2	0	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	1	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	3	12	17	7	6

STATE COMMISSION ON JUDICIAL CONDUCT



ANNUAL REPORT FOR FISCAL YEAR 2016

Table 1: Commission Activity

	2013	2014	2015	2016
Cases Pending (Beginning FY/Ending FY)	566/586	586/646	646/465	465/479
Cases Filed	1130	1139	1068	1191
Total Number of Cases Disposed	1109	1080	1242	1049
% of Cases Disposed	98.14%	94.82%	116.51%	88.08%
Average Age of Cases Disposed	6.5 Months	6.3 Months	6.9 Months	5.9 Months
SCJC Actions (total)	42	63	96	69
Cases Disposed through:				
Criminal Conviction	0	0	0	0
Review Tribunal Order	0	0	0	0
Voluntarily Agreement to Resign in Lieu of Disciplinary Action	5	6	14	11
Disciplinary Actions:				
Public Censure	0	0	0	0
Public Censure and Order of Additional Education	0	0	0	0
Public Reprimand	0	9	25	10
Public Warning	1	2	1	0
Public Admonition	0	1	7	0
Public Sanction and Order of Additional Education	0	3	16	14
Private Reprimand	6	3	9	2
Private Warning	5	4	1	5
Private Admonition	6	12	5	4
Private Sanction and Order of Additional Education	6	15	13	18
Public Order of Additional Education	0	0	0	0
Private Order of Additional Education	6	5	0	2
Interim Actions:				
Order of Suspension [15(a)]	7	3	5	2
Recommendation of Suspension to Supreme Court [15(b)]	0	0	0	1
Cases in Formal Proceedings	0	0	0	0
Amicus Referral	0	0	0	0
Dismissals	1072	1018	1151	983
Request for Reconsideration Received	76	70	54	28
Reconsideration Granted	1	2	0	2
Reconsideration Denied	71	56	51	23
Pending	8	22	3	3
Cases Appealed to Special Court of Review	6	1	5	0
Informal Hearing Set	9	14	15	19
Public Statements Issued	0	0	0	0



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2016

2540 Washington Blvd., Suite 703
Ogden, Utah 84401
Telephone: (801) 626-3369
www.jcc.utah.gov

Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2016

Of the 85 complaints received in FY 2016, 79 have been resolved and 6 are still pending.

Complaints Received in FY 2016			
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints
Supreme Court	5	1	1
Court of Appeals	7	0	0
District	72	51	42
Juvenile	30	10	6
Justice Court	98	21	16
Pro Tempore	60	2	1
Active Senior	39	0	0
Total	311	85	66

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Sanctions Implemented by the Utah Supreme Court

There were no public sanctions implemented by the Utah Supreme Court during FY 2016.

Dismissals with Warnings Issued by the Judicial Conduct Commission

There were no dismissals with warnings issued by the Judicial Conduct Commission during FY 2016.

Administrative Affairs

Meetings

The JCC meets as needed on the third Tuesday of each month at the Utah Law & Justice Center in Salt Lake City. The JCC met seven times during FY 2016.

Administrative Rules

The JCC's administrative rules are available on-line at www.rules.utah.gov.

JCC Commissioners

Robert Behunin
James Jardine
Rep. Brian King, Chair
Tami King
Sen. Karen Mayne
Rep. Kraig Powell
Lois Richins, Vice-Chair
Hon. Stephen Roth
Hon. Todd Shaughnessy
Sen. Stephen Urquhart
Terry Welch

Public member Robert Behunin resigned during FY 2016 due to continually increasing responsibilities at Utah State University where he serves as Vice-President for Commercialization and Regional Development.

Public member Lois Richins completed her eight years of JCC eligibility at the conclusion of FY 2016.

Website

The JCC's website, www.jcc.utah.gov, contains in-depth information, links to related sites, annual reports, copies of public discipline documents, and downloadable complaint forms.

JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Budget

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2016, the legislative appropriation was \$251,800. The JCC had non-lapsing savings from FY 2015 in the amount of \$3,507, and the Division of Finance provided a one-time contribution of \$25,000, resulting in total available funds in the amount of \$280,307. JCC expenses for FY 2016 were \$256,432, leaving a balance of \$23,875.

JCC Staff

Colin Winchester, Executive Director
Aimee Thoman, Investigative Counsel
Sara Sherman, Office Technician

UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS

INITIAL SCREENING	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Executive Director reviews each “complaint” to determine whether it is a complaint within the JCC’s jurisdiction.</p> <p>Staff returns non-JCC complaints (i.e., complaints against bar members or court employees) to complainant with appropriate instructions.</p> <p>For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.</p> <p>Executive Director assigns investigator.</p> <p><i>Note: Anonymous complaints are submitted directly to JCC members, who review and discuss the complaint and vote to either take no action or to have staff conduct a preliminary investigation.</i></p>	<p>Investigator conducts preliminary investigation, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Executive Director reviews preliminary investigation report and recommendation, and may revise either.</p> <p>Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p>	<p>Staff provides judge with copy of complaint and other pertinent materials and asks judge to respond in writing to identified allegations.</p> <p>Investigator conducts additional investigation, if necessary, as to issues raised in judge’s response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses judge’s response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.</p>	<p>Staff prepares formal complaint and serves same upon judge via certified mail.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by dismissal, stipulated resolution or confidential hearing.</p> <p>A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> <p>After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p>	<p>Staff files JCC’s findings of fact, recommendation and other statutorily required materials with Supreme Court.</p> <p>JCC’s recommendation becomes public upon filing. All other materials become public only upon Supreme Court order.</p> <p>Supreme Court reviews JCC’s proceedings as to both law and fact, and implements, modifies or rejects JCC’s recommendation.</p> <p><i>Note: JCC dismissals are not reviewed by the Supreme Court.</i></p>



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2015

2540 Washington Blvd., Suite 703
Ogden, Utah 84401
Telephone: (801) 626-3369
www.jcc.utah.gov

Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2015

Of the 70 complaints received in FY 2015, 69 have been resolved and 1 is still pending.

Complaints Received in FY 2015			
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints
Supreme Court	5	0	0
Court of Appeals	7	1	3
District	71	39	30
Juvenile	30	6	6
Justice Court	98	17	14
Pro Tempore	67	7	7
Active Senior	66	0	0
Total	344	70	60

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Sanctions Implemented by the Utah Supreme Court

There were no public sanctions implemented by the Utah Supreme Court during FY 2015.

Dismissals with Warnings Issued by the Judicial Conduct Commission

Dismissal with a Warning. On September 16, 2014, the JCC dismissed a complaint filed against a justice court judge who had acted impatiently toward an individual who interrupted court proceedings. The JCC found that the judge's actions violated Rule 2.8(B), which requires judges to act with patience, dignity and courtesy. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On November 18, 2014, the JCC dismissed a self-reported complaint against a justice court judge who, while wearing a judicial robe, participated in the ALS ice-bucket challenge and challenged other judges and court administrators to participate. The judge posted a video of his participation and challenges online, but immediately removed the video when he became aware of the violation. The JCC found that the judge's actions violated Rule 3.7(A), which prohibits judges from engaging in many fund-raising activities. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On January 20, 2015, the JCC dismissed a complaint filed against a relatively new district court judge who had engaged in a few minor ex parte communications about a pending civil case. The JCC found that the judge's actions violated Rule 2.9(A), which prohibits most ex parte communications. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On March 17, 2015, the JCC dismissed a self-reported complaint against a new district court judge who had, during the judicial appointment process, publicly endorsed a candidate for public office. The JCC found that the judge's actions violated Rule 4.1(A), which prohibits judges and judicial candidates from participating in many political activities. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Administrative Affairs

Meetings

The JCC meets as needed on the third Tuesday of each month at the Utah Law & Justice Center in Salt Lake City. The JCC met 8 times during FY 2015.

Administrative Rules

The JCC's administrative rules are available online at www.rules.utah.gov.

JCC Commissioners

Robert Behunin
James Jardine
Rep. Brian King, Chair
Tami King
Sen. Karen Mayne
Rep. Kraig Powell
Lois Richins
Hon. Stephen Roth
Hon. Todd Shaughnessy
Sen. Stephen Urquhart, Vice-Chair
Terry Welch

Judge Deno Himonas, who had served on the JCC since 2012, became a member of the Utah Supreme Court in February 2015. In March 2015, Judge Todd Shaughnessy was appointed to fill the vacancy.

JCC Staff

Colin Winchester, Executive Director
Aimee Thoman, Investigative Counsel
Sara Sherman, Office Technician

Website

The JCC's website, www.jcc.utah.gov, contains in-depth information, links to related sites, annual reports, copies of public discipline documents, and downloadable complaint forms.

JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Budget

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2015, the legislative appropriation was \$244,119. JCC expenses for FY 2015 were \$240,613, leaving a balance of \$3,506.

UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS

INITIAL SCREENING	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Executive Director reviews each “complaint” to determine whether it is a complaint within the JCC’s jurisdiction.</p> <p>Staff returns non-JCC complaints (i.e., complaints against bar members or court employees) to complainant with appropriate instructions.</p> <p>For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.</p> <p>Executive Director assigns investigator.</p> <p><i>Note: Anonymous complaints are submitted directly to JCC members, who review and discuss the complaint and vote to either take no action or to have staff conduct a preliminary investigation.</i></p>	<p>Investigator conducts preliminary investigation, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Executive Director reviews preliminary investigation report and recommendation, and may revise either.</p> <p>Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p>	<p>Staff provides judge with copy of complaint and other pertinent materials and asks judge to respond in writing to identified allegations.</p> <p>Investigator conducts additional investigation, if necessary, as to issues raised in judge’s response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses judge’s response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.</p>	<p>Staff prepares formal complaint and serves same upon judge via certified mail.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by dismissal, stipulated resolution or confidential hearing.</p> <p>A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> <p>After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p>	<p>Staff files JCC’s findings of fact, recommendation and other statutorily required materials with Supreme Court.</p> <p>JCC’s recommendation becomes public upon filing. All other materials become public only upon Supreme Court order.</p> <p>Supreme Court reviews JCC’s proceedings as to both law and fact, and implements, modifies or rejects JCC’s recommendation.</p> <p><i>Note: JCC dismissals are not reviewed by the Supreme Court.</i></p>



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2014

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www.jcc.utah.gov

Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2014

Of the 74 complaints received in FY 2014, 67 have been resolved and 7 are still pending.

Complaints Received in FY 2014			
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints
Supreme Court	5	1	5
Court of Appeals	7	1	1
District	72	42	32
Juvenile	30	9	8
Justice Court	98	20	17
Pro Tempore	63	1	1
Active Senior	35	0	0
Total	310	74	64

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Sanctions Implemented by the Utah Supreme Court

Censure. On October 11, 2013, the Utah Supreme Court censured former Salt Lake City Justice Court Judge Virginia Ward. Judge Ward had pleaded guilty to possession of a controlled substance with intent to distribute, a second degree felony. She resigned her judicial office before entering her plea. As provided in Constitution of Utah, Article VIII, Section 13, final conviction of a felony is grounds for judicial discipline.

Reprimand. On April 22, 2014, the Utah Supreme Court reprimanded Second District Juvenile Court Judge J. Mark Andrus. During an adoption hearing, Judge Andrus became frustrated. He repeatedly raised his voice and interrupted the child's grandfather. The judge's actions violated Code of Judicial Conduct Rule 2.8(B), which requires judges to be patient, dignified and courteous to persons with whom they deal in an official capacity.

Dismissals with Warnings Issued by the Judicial Conduct Commission

Dismissal with a Warning. On November 5, 2013, the JCC dismissed a complaint filed against a district court judge who included comments in the certification of a motion to disqualify. The JCC found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissals with Warnings. In March 2012, the JCC issued two dismissals with warnings, both arising from the same complaint, to a justice court judge who had engaged in ex parte communications. The JCC found that the misconducts were troubling but relatively minor misbehavior for which no public sanction was warranted. The complainant requested that the investigations be re-opened, and the JCC granted that request. After a criminal trial against the judge resulted in acquittal, and after additional investigation and consideration, the JCC determined that the original dismissals with warnings were appropriate.

Administrative Affairs

Meetings

The JCC meets as needed on the third Tuesday of each month at the Utah Law & Justice Center in Salt Lake City. The JCC met 11 times during FY 2014.

Administrative Rules

The JCC's administrative rules are available on-line at www.rules.utah.gov.

JCC Commissioners

Robert Behunin
Elaine Englehardt, Chair
Hon. Deno Himonas
James Jardine
Rep. Brian King, Vice-Chair
Sen. Karen Mayne
Rep. Kraig Powell
Lois Richins
Hon. Stephen Roth
Sen. Stephen Urquhart
Terry Welch

In April 2014, Hon. Stephen Roth was appointed to fill a vacancy created by Hon. Carolyn McHugh's confirmation to the Tenth Circuit Court of Appeals.

JCC Staff

Colin Winchester, Executive Director
Susan Hunt, Investigative Counsel
Madison Howard, Office Technician

Website

The JCC's website, www.jcc.utah.gov, contains in-depth information, links to related sites, annual reports, copies of public discipline documents, and downloadable complaint forms.

JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Budget

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2014, the legislative appropriation was \$240,400. The JCC contributed \$200 in savings from FY 2013, and the Legislature authorized an additional \$300 to cover the cost of increased 401(k) contributions. JCC expenses for FY 2014 were \$242,992 (an over-expenditure of \$2,092).

UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS

INITIAL SCREENING	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Executive Director reviews each “complaint” to determine whether it is a complaint within the JCC’s jurisdiction.</p> <p>Staff returns non-JCC complaints (i.e., complaints against bar members or court employees) to complainant with appropriate instructions.</p> <p>For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.</p> <p>Executive Director assigns investigator.</p> <p><i>Note: Information received in any form other than a written complaint is submitted directly to JCC members, who review and discuss the information and vote to either take no action or to have staff conduct a preliminary investigation.</i></p>	<p>Investigator conducts preliminary investigation, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Executive Director reviews preliminary investigation report and recommendation, and may revise either.</p> <p>Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p>	<p>Staff provides judge with pertinent materials and asks judge to respond in writing to identified allegations.</p> <p>Investigator conducts additional investigation, if necessary, as to issues raised in judge’s response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses judge’s response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.</p>	<p>Staff prepares formal complaint and serves same upon judge via certified mail.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by dismissal, stipulated resolution or confidential hearing.</p> <p>A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> <p>After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p>	<p>Staff files JCC’s recommendation and statutorily required materials with Supreme Court.</p> <p>JCC’s recommendation becomes public upon filing. All other materials become public only upon Supreme Court order.</p> <p>Supreme Court reviews JCC’s proceedings as to both law and fact, and implements, modifies or rejects JCC’s recommendation.</p> <p><i>Note: JCC dismissals are not reviewed by the Supreme Court.</i></p>



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2013

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Creation and Authority of the Judicial Conduct Commission

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- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2013

Of the 86 complaints received in FY 2013, 81 have been resolved and 5 are still pending.

Complaints Received in FY 2013			
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints
Supreme Court	5	0	0
Court of Appeals	7	1	3
District	71	51	39
Juvenile	29	7	5
Justice Court	98	22	17
Pro Tempore	74	3	3
Active Senior	29	2	2
Total	313	86	69

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Resolutions Determined by the Utah Supreme Court

Reprimand. On August 22, 2012, the Utah Supreme Court reprimanded retired Woods Cross City Justice Court Judge Robert Peters. Judge Peters initiated and considered an ex parte communication with a person who was on probation, and then revoked that person's probation without following the statutorily mandated procedures. The judge's actions violated: Code of Judicial Conduct Rule 1.2, which requires judges to avoid impropriety and the appearance of impropriety; Code of Judicial Conduct Rule 2.2, which requires judges to apply the law; and Code of Judicial Conduct Rule 2.9(A), which forbids ex parte communications about pending matters.

Dismissal. On September 28, 2012, the Utah Supreme Court rejected the JCC's recommended reprimand of West Valley City Justice Court Judge Keith Stoney. The JCC had recommended that the judge be reprimanded for issuing a \$10,000 cash only bench warrant in response to a woman's inappropriate behavior toward court clerks. The Supreme Court determined that there was insufficient evidence upon which to base a finding that Judge Stoney had violated the Code of Judicial Conduct.

Reprimand. On March 26, 2013, the Utah Supreme Court reprimanded Kanab City Justice Court Judge Gary Johnson. After hearing a small claims trial but before issuing his decision, Judge Johnson first engaged in an ex parte communication with the defendant, and then engaged in an ex parte communication with the plaintiff. The judge's actions violated Code of Judicial Conduct Rule 2.9(A), which forbids ex parte communications about pending matters.

Resolutions Determined by the Utah Supreme Court

Censure. On May 21, 2013, the Utah Supreme Court censured Box Elder County Justice Court Judge Kevin Christensen. Judge Christensen was concurrently employed by the county justice court and three municipal justice courts. From 2009 through 2011, Judge Christensen received combined salaries from the four courts that exceeded the salary limits imposed by the Legislature. The judge's conduct violated Code of Judicial Conduct Rule 1.1, which requires judges to comply with the law. The Court also ordered Judge Christensen to repay the excess salary amounts he had received.

Resolution Obtained by the Judicial Conduct Commission

Retirement. On September 11, 2012, the Judicial Conduct Commission agreed to dismiss any and all pending complaints against West Valley City and Saratoga Springs Justice Court Judge Keith Stoney. Judge Stoney agreed to retire from both courts on December 31, 2012, and agreed not to seek or accept future appointment to any judicial office in the State of Utah.

Administrative Affairs

Meetings

The JCC meets as needed on the third Tuesday of each month at the Utah Law & Justice Center in Salt Lake City. The JCC met ten times during FY 2013.

Administrative Rules

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JCC Commissioners

Robert Behunin
Elaine Englehardt, Chair
Hon. Deno Himonas
James Jardine
Rep. Brian King, Vice-Chair
Sen. Karen Mayne
Hon. Carolyn McHugh
Rep. Kraig Powell
Lois Richins
Sen. Stephen Urquhart
Terry Welch

During FY 2013, JCC Commissioner Constance Lundberg resigned due to health reasons. Her contribution to the JCC and the citizens of Utah is greatly appreciated.

JCC Staff

Colin Winchester, Executive Director
Susan Hunt, Investigative Counsel
Madison Howard, Office Technician

Website

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JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Budget

Most of the JCC's budget is appropriated annually by the Legislature. Additional funding comes from agency savings in prior years. For FY 2013, the legislative appropriation was \$206,600; expenses totaled \$235,589. In order to balance its budget for FY 2013, the JCC was required to use \$28,989 from prior years' savings.

Effective July 1, 2013, the Legislature increased the JCC's annual appropriation by \$25,000 per year. Without that increase, the JCC would not have sufficient funds to operate in FY 2014 and beyond.

UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS

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State of Washington

Commission on Judicial Conduct



philipmartin.info

2015
Annual Report

IV. COMMISSION ACTIVITY

1. Docket: Dismissal vs. Sustainment

COMPLAINTS

Matters pending on January 1, 2015	98	
Complaints received during period	261	
Requests to reopen complaints	32	
TOTAL COMPLAINTS		391

DISPOSITIONS

DISMISSALS

Complaint withdrawn	6
Insufficient evidence to proceed	17
Left office unrelated to CJC action	3
Legal issues over which CJC has no jurisdiction	61
No basis to reopen	31
No violation found	62
Unsubstantiated	125

SUSTAINMENTS

Admonishment	1
Censure	3*
Reprimand	1

TOTAL COMPLAINTS DISPOSED **310**

MATTERS PENDING on December 31, 2015 **81**

INQUIRIES**

Total inquiries filed **457**

* Due to multiple complaints against the same judicial officer, a single disposition may dispose of several cases. In 2015 for example, three cases were disposed of with the censure of two judicial officers.

** Inquiries are recorded when individuals contact the Commission about filing a complaint.

Commission Activity

2. Dispositions: Dismissal vs. Sustainment

DISPOSITIONS	2011	2012	2013	2014	2015
DISMISSAL					
Complaint withdrawn	3	5	2	1	6
Insufficient evidence to proceed	28	20	18	22	17
Lack of jurisdiction	1		2	2	
Left office due to CJC in an unrelated matter			1		3
Left office unrelated to CJC action	19		2	1	
Legal issues over which CJC has no jurisdiction	93	95	106	107	61
No basis to reopen	23	38	28	25	31
No violation found	67	79	53	62	62
Unsubstantiated	116	159	101	110	125
SUSTAINMENT					
Admonishment	1		6*	4	1
Reprimand	2	2*			1
Censure		2*		1	3*
TOTAL DISPOSITIONS	353	400	319	335	310

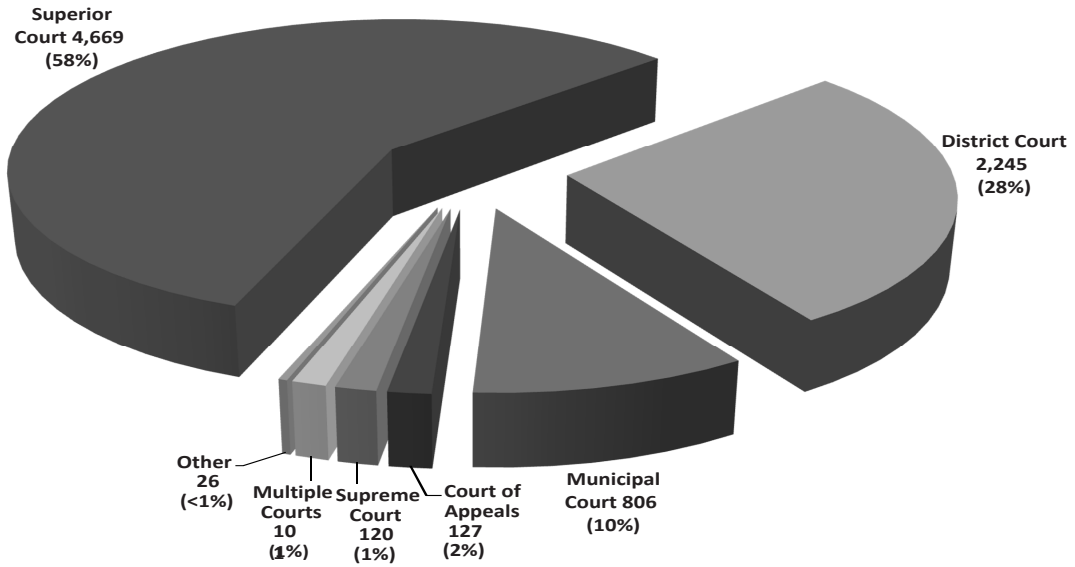
3. Dispositions: Public

PUBLIC DISPOSITIONS	2011	2012	2013	2014	2015
Admonishment	1		6*	4	1
Reprimand	2	2*			1
Censure		2*		1	3*
TOTAL PUBLIC DISPOSITIONS	3	4	6	5	5

* Due to multiple complaints against the same judicial officer, a single disposition may dispose of several cases. In 2015 for example, three cases were disposed of with the censure of two judicial officers.

Commission Activity

CJC Complaints filed by Court Level of Judicial Officers 1981 - 2015



Source of CJC Complaints 1981 - 2015

