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FILED

MAR 30 2017

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	Case No. 17-019
Judge Paula Aboud)	
Pima County Justice Court)	STATEMENT OF CHARGES
Precinct 6)	
State of Arizona)	
)	
Respondent)	

Pursuant to Commission Rule 24(a), Disciplinary Counsel hereby files this Statement of Charges against Justice of the Peace Paula Aboud, hereafter Respondent, setting forth the Commission's jurisdiction and specifying the nature of her alleged judicial misconduct.

JURISDICTION

1. The Commission on Judicial Conduct (hereafter Commission) has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution and the Rules of the Commission.

2. This Statement of Charges is filed pursuant to Rule 24(a) of those rules (Commission Rules).

3. Respondent has served as a justice of the peace in Pima County since January 2017, and continues to hold that position.

4. As a judge, Respondent is subject to the Arizona Code of Judicial Conduct (effective 09/01/09, last amended 11/24/09) (Code) as set forth in Arizona Supreme Court Rule 81.

FACTUAL BACKGROUND

5. As a newly elected justice of the peace, Respondent was required to attend the “Limited Jurisdiction New Judge Orientation” (LNJO) put on by the Administrative Office of the Courts (AOC). The first week of LNJO took place January 9-13, 2017.

6. At LNJO, experienced judges are assigned as mentor judges to new judges in the limited jurisdiction courts. The mentor judge sits at a u-shaped table with his/her new judges.

7. At the end of the first week, a test/assessment is given to the LNJO participants to ensure they have a sufficient grasp of the legal materials presented. The mentor judges at LNJO have access to the test/assessment questions and the answer key. For the first week of LNJO in 2017, the questions and answer key were printed on fuchsia colored paper.

8. On the evening of January 12, 2017, Respondent and other judges stayed late for a study session for the assessment that was to be given on Friday, January 13, 2017. Respondent’s mentor judge, Judge James Sampanes, had a copy of the test questions/answer key in his possession.

9. Respondent and Judge Sampanes had no prior personal relationship with each other but entered into a mentor/mentee relationship as a result of their presence at LNJO.

10. When a break was taken in the study session, Judge Sampanes placed his copy of the test questions/answer key face down on his table, and exited the room. The door to the classroom remained open, and Judge Sampanes had an unobstructed view of his table area.

11. Judge Sampanes observed Respondent reach over to his portion of the table and take the fuchsia colored papers that contained the test questions/answer key.

12. As Judge Sampanes re-entered the classroom, he observed Respondent conceal the test questions/answer key among her own papers. Judge Sampanes questioned Respondent as to why she had his copy of the test questions/answer key,

but Respondent remained silent. Judge Sampanes told her he knew she had them, and then removed the test question/answer key from Respondent's papers.

13. Another new judge attending LNJO, Judge Charlene Pesquiera, was advised by her mentor that the fuchsia colored papers contained the test questions/answer key, and she informed Respondent of this information prior to the time when Respondent took Judge Sampanes' copy of the test questions/answer key.

14. Upon information and belief, after Judge Sampanes regained possession of his copy of the test questions/answer key from Respondent, Respondent stated to him, "I probably wasn't even going to read it."

15. In verbal communications with employees from the AOC's Judicial Education Services Division on January 13, 2017, and in written correspondence with the Commission on February 26, 2017, Respondent claimed her conduct was simply an attempt to "play a joke" on Judge Sampanes, who she just recently met.

16. Respondent did not communicate the explanation she provided to the Commission, as set forth in paragraph 15, to Judge Sampanes at any time.

17. Judge Sampanes did not interpret or understand Respondent's conduct to be a joke.

VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT

18. Respondent's conduct, as described above in Paragraphs 5-14, violated Rule 1.1 of the Code which states, "A judge shall comply with the law, including the Code of Judicial Conduct."

19. Respondent's conduct, as described above in Paragraphs 5-14, violated Rule 1.2 of the Code which states:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

20. Respondent's proffered explanation in Paragraph 15 of her conduct, if in fact true, violated Rule 2.8(B) of the Code which states:

A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity


Taking test questions and the answer key at a judicial training, in jest, is not dignified conduct for a judicial officer.

REQUESTED RELIEF

WHEREFORE, Disciplinary Counsel hereby requests that a duly-appointed Commission Hearing Officer find Respondent in violation of the Code, as alleged above; recommends to the Supreme Court that Respondent be censured, suspended, or removed from judicial office; that costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the hearing officer or court grant such other relief as it deems appropriate.

Dated this 30th day of March, 2017.

COMMISSION ON JUDICIAL CONDUCT



April P. Elliott
Disciplinary Counsel

A copy of this pleading was served on March 30, 2017,
upon Respondent, via mail or email, to:

Hon. Paula Aboud
Pima County Justice Court
paboud@msn.com

By: /s/ Kim Welch
Kim Welch, Commission Clerk