

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-167

Judge: Thomas L. Fink

Complainant: Peter Pototsky

ORDER

The Complainant alleged a superior court judge made improper legal and evidentiary rulings in a high-profile criminal case and improperly left the courtroom during an argument.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

After review, the Commission found that the judge improperly limited cross-examination, relying on using the federal rule rather than Arizona Rule of Evidence 611, and walked off the bench while a party is making a record. While this was improper under Rules 1.1, 1.2 and 2.6(A) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to review Rule 611 of the Arizona Rules of Evidence, allow parties to be heard, and to act at all times in a manner that promotes public confidence in the judiciary.

Commission member Christopher P. Staring did not participate in the consideration of this matter.

Dated: November 22, 2024

FOR THE COMMISSION

/s/ Joseph C. Kreamer

Hon. Joseph C. Kreamer
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on November 22, 2024.