

April 12, 2019

Maricopa County Attorney's Office
301 W Jefferson Street
Suite 800
Phoenix, AZ 85003

The undersigned local, state, and national organizations, along with state legislators, are issuing this open letter to Maricopa County Attorney Bill Montgomery:

We are dedicated to the equal treatment of women and eradicating sexual harassment in the workplace. This requires holding to account not just those who personally engage in harassment and other forms of sex discrimination, but also the institutions and leaders who enable it. In Arizona, Maricopa County Attorney Bill Montgomery has allowed the most prominent prosecutor in his office, Juan Martinez, to persist in a sustained pattern of degrading and harassing women, including court reporters, defense counsel, and law clerks. In response, Montgomery has dismissed the criticisms, protected Martinez from scrutiny, and continued assigning him cases without so much as criticizing Martinez's disturbing conduct.

This sort of failure in leadership and accountability is a major reason why widespread and systemic gender discrimination so often remains uncovered. It is what leads victims of harassment and discrimination to stay in the shadows, believing that reporting misconduct will accomplish nothing or, worse, damage their own careers. And it enables powerful men to continue exploiting women for the sake of their own ambition.

Montgomery's inaction with regard to sexual harassment occurring on his watch is fundamentally at odds with the fair and equal treatment of women. We demand that he resign.

Many of the allegations against Martinez are described in a formal misconduct complaint that the State Bar of Arizona filed on March 1.¹ Within the County Attorney's Office, Martinez is accused of "making inappropriate comments, primarily to law clerks, which were of a sexual nature, engaging in unwanted touching and making persistent unwelcome invitations to go to

¹ See Lauren Castle & Anne Ryman, *Jodi Arias prosecutor Juan Martinez faces formal misconduct complaint from Arizona Bar*, The Arizona Republic (March 5, 2019), <https://www.azcentral.com/story/news/local/phoenix/2019/03/05/jodi-arias-prosecutor-juan-martinez-face-s-formal-misconduct-complaint-state-bar-arizona/3066565002/>.

lunch or on a date,”² to the point where some female law clerks felt compelled to hide in the bathroom or duck into cubicles to avoid him.

According to the complaint, he told one law clerk that he would put “a hit on her boyfriend” so he could have her to himself. He told another law clerk that “he wanted to climb her like a statue” and could guess the color of her underwear. Some female law clerks hid from Martinez because he would “look[] at female employees’ chests and blatantly look[] them up and down as they walked away[.]”³

During the high-profile prosecution of Jodi Arias, through which Martinez gained international fame, the complaint alleges that he routinely harassed a court reporter with inappropriate comments. He told her: “I like the person that’s in the skirt” and “I would like to see what is inside that skirt.”⁴ In addition, Martinez had a sexual relationship with a media blogger to whom he leaked the name of a juror who did not want to impose the death penalty.

A separate complaint that the State Bar is pursuing alleges that, during a sidebar at the judge’s bench, Martinez told a defense attorney that if he were married to her he would “f***ing want to kill myself,” and later told her to go back to law school.

Last year, the Maricopa County Attorney’s Office conducted an internal investigation into Martinez’s conduct, but Montgomery has refused to release any details. Instead, he has said vaguely that Martinez received discipline in the form of “administrative and training,” and he asked the Arizona Supreme Court’s presiding disciplinary judge to seal the records, hiding them from public view.⁵ When asked directly about Martinez’s conduct -- and the growing pile of bar complaints against him -- Montgomery has downplayed their significance and refused to acknowledge their seriousness and credibility. “Anybody can file any complaint they want with the State Bar,” he said in December last year.⁶ In the meantime, Martinez continues to handle some of the most high-profile homicide prosecutions in the County.

² *In the Matter of a Member of the State Bar of Arizona, Juan Martinez*, Ariz. Sup. Ct., Compl. ¶ 54 (March 1, 2019), https://www.scribd.com/document/401156603/Martinez-Complaint#from_embed.

³ Compl., *supra*, ¶ 55.

⁴ Compl. ¶ 49.

⁵ Michael Kiefer, *Bill Montgomery explains why Juan Martinez’s ‘professional standards’ records are sealed*, The Arizona Republic (Dec. 11, 2018), <https://www.azcentral.com/story/news/local/phoenix/2018/12/11/bill-montgomery-explains-why-juan-martinezs-records-sealed/2282024002/>.

⁶ See Michael Kiefer, *State Bar files opening brief in appeal of ethics order exonerating Jodi Arias prosecutor*, The Arizona Republic (Dec. 28, 2018), <https://www.azcentral.com/story/news/local/phoenix/2018/12/28/ethics-case-jodi-arias-prosecutor-juan-martinez-state-supreme-court/2434690002/>.

This response is unacceptable.

We are now, finally, in the midst of national reckoning over the ways in which powerful men have harmed women by disregarding their talent and skill and work ethic and reducing them to objects of sexual gratification. That is precisely why the State Bar of Arizona has filed a complaint against Juan Martinez. Yet Bill Montgomery, holding a position of extraordinary public trust, has refused to be part of the solution, of the reckoning that has touched nearly every industry in America. Instead, his tolerance of gross misconduct makes him part of the problem. He must resign.

Sincerely,

American Association of University Women Arizona
American Friends Service Committee - Arizona Office

Arizona Celebrates the 19th Amendment

Arizona Cesar E. Chavez Holiday Coalition

Arizona Justice Alliance

AZ Resist

AZNow, State Board

Central Phoenix NOW

ERA Task Force

Futures Without Violence

Indivisible Arizona

LUCHA

National Council of Jewish Women AZ

Neighborhood Ministries Inc.

NOW, Tucson Chapter

Represent Me AZ

Stand Together Arizona Training and Advocacy Center, YWCA Southern Arizona

Women's March Phoenix

Rep. Andrés Cano, Arizona House of Representatives

Rep. Athena Salman, Arizona House of Representatives, Minority Whip

Rep. Diego Rodriguez, Arizona House of Representatives