

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-005

Judge:

Complainant:

ORDER

The complainant alleged a pro tem superior court judge issued improper orders, was biased, had poor demeanor, engaged in improper ex-parte communications, and failed to act competently.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: February 22, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on February 22, 2017.

This order may not be used as a basis for disqualification of a judge.

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

FOR OFFICE USE ONLY

2017-005

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

PLEASE SEE ATTACHMENTS

From:
To:
Subject: RE: Uphold, No
Date:

2017-005

From:
Sent:
To: Commission on Judicial Conduct
Subject: Uphold, No

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

2017-005

Re

Complaint

I, _____, undersigned, file this complaint with Arizona Judicial Conduct Commission against _____ for failing his most basic duty – denied me due process of law and made improper rulings.

In _____ in his official capacity as a _____ (Petitioner) could not prove by substantial evidence that a dependency existed at the time of trial, despite egregious findings _____ granted dependency. _____ failed pursuant to Rule 1.2 of the Arizona Code of Judicial Conduct .. ."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." "Submitted matters are required to be decided within 60 days of submission" pursuant to Supreme Court Rule 81, Arizona Code of Judicial Conduct Canon 1 Rule 1.1, Article VI § 21 of the Arizona Constitution, A.R.S. §11-424.02(A) and Rule 91(e), Rules of the Supreme Court, _____ exceeded 60 days.

In _____ engaged in improper ex parte communications and improperly inserted himself into the appellate Special Action case. Pursuant to Supreme Court Rule 81, Arizona of Judicial Conduct Canon 2 requires that "a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." _____ violated Supreme Court Ruled 81, Arizona Judicial Conduct Canon 2;
Rule 2.1. Giving Precedence to Judicial Duties;
Rule 2.2. Impartiality and Fairness;
Rule 2.3. Bias, Prejudice, and Harassment;
Rule 2.4. External Influences on Judicial Conduct;
Rule 2.5. Competence, Diligence, and Cooperation;
Rule 2.6. Ensuring the Right to be Heard;
Rule 2.7. Responsibility to Decide;
Rule 2.10. Judicial Statements on Pending and Impending Cases;
Rule 2.12. Supervisory Duties;
Rule 2.15. Responding to Judicial and Lawyer Misconduct;
Finally, Rule 2.16. Cooperation with Disciplinary Authority.

Contrary to the Supreme Court 81, Arizona Judicial Code of Conduct Canon 3B(8) and Article 6, §21 of the Arizona State Constitution required _____ to rule on matter(s) promptly. What should _____ have done when he court ordered counseling and " _____ " existed in the community? What should the _____ have done when _____ could have been safely returned home if reasonable services were available for the family, but no such services existed? _____ failed to take action in order to address the deficiencies due of care towards a child under the United States Constitution §§ 42 and the provisions of the federal Medicaid Act, early and periodic screening, diagnostic and treatment ("EPSDT") services.

On _____ engaged in extrajudicial activities failing to minimize the

risk of conflict with the obligations of judicial "Knowingly." Following a post conviction Annellant relief

displayed bias: vendetta against my attorney and me making inappropriate inflammatory comments in the presence of the courtroom. Calling me a "obstructionist" in the courtroom. Moreover, court transcripts will indicate that allowed State witnesses' to testify knowingly the state had not filed a motion for their witnesses during what was scheduled to be a court continuance of "evidence." Depriving me the opportunity to search for rebuttal witnesses—no ties in Arizona. Thus, the impromptu disclosure caused significant emotional damage; preclusion was an inappropriate remedy within discretion.

In conclusion, finding a dependency is an integral part of my Due Process Clause of the United States Constitution Fourteenth Amendment and the state's interests in the safety of

The Appellate court held that the parents' right to the custody of their children is one of the most fundamental of civil rights and is protected by the general principles of due process notice enunciated in *Mullane v. Central Hanover Tr. Co.* (1950) 339 U.S. 306, 314-316 [99 L. Ed. 865, 873-875, 70 S. Ct. 652]. (Id, at pp. 447-448.)

Submitted