

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-012

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, failed to allow him to present his case, and was rude and unprofessional.

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.

After review, the commission found that the judge exhibited an inappropriate demeanor. While this was improper under Rule 2.8(B), the Scope Section of the Code of Judicial Conduct provides that it is not intended that 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 Rules 16(b) and 23(a), but to issue a warning letter to the judge reminding her of her obligation to be “patient, dignified, and courteous” to litigants appearing before her.

Dated: May 17, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on May 17, 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

2017-012

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 ATTACHED TYPE WRITTEN COMPLAINT.
TOTAL OF 4 PAGES.

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Case #:

Background Info:

My son was _____ as well as _____ His mother wanted to send him out of state to _____ I agreed that _____ but did NOT need to go to that particular place. He could have gotten _____ here in Arizona. Since we could not agree, his mother went to court seeking temporary sole legal decision making so she alone could decide

The following are bulletin points that correspond to the noted time stamp of the video recording of the proceeding.

00:01 > The video is missing a key piece of evidence before the judge states that " _____ ". As soon as _____ opened the door of her chambers to come out, she looked directly at my son's mother and said, " _____ " I knew right away that I had lost because she had already made up her mind. She was clearly not showing impartiality.

I asked the judge if I could argue why this was not an emergency hearing, **she flat out said** _____ The only evidence she has at this point is an affidavit from the mother. So am I to assume that all affidavits are automatically true? The judge did

not give me a chance to respond to the affidavit. It was full of lies and I had brought documented evidence to prove otherwise.

During cross examination of the mother, I introduce an email that directly contradicts the mother's earlier testimony. As you will hear, the judge tells me to

tells me to

interrupts as I start to stand up to ask me a question.

During the next I continue to answer the judge's questions.

After answering the judge's last question, she immediately says " " for the mother's attorney to begin questioning me. At this point I am sensing that I will not get a chance to present my case. Was answering the questions the same as presenting my case? I'm so in hindsight, I felt like I was taken advantage of. I felt the judge was rushing things along.

Before I can continue my next sentence, the judge says, " " Look at the judge's face and eyes in the video at this point. It was so obvious at the time that she was mad. How could any of my answers cause her to be so mad? I don't think it was professional for her to show such displeasure over my answers. It just felt like she had something against me.

Judge says, “

.” Another example of bias. How could she know that based on only ? This hearing is about whether the mother should be granted emergency guardianship powers. The judge’s assessment of how she sees the relationship between mother and father is irrelevant and obviously biased.

This is the part of the hearing that hurts me the most. From my perspective, the judge is talking down to me with clear animosity. She says she is “ that I would talk to my customers for advice. Really? A parent asks another parent about their experiences with their child who has the SAME and asking them what they did is That is what parents do. That makes total sense. How on earth is this ! And again, what relevance do her comments have on whether the mother should obtain temporary decision making. We are there to argue whether my son HAS to . I testified that I have talked with other parents to learn that he can

The judge says to me, “

” It took everything for me to keep my mouth shut. This was totally inappropriate and unprofessional. I have never felt more humiliated in my life. I

As a I have never been spoken to like that. My was in that courtroom and heard that.

The judge says that

. Again, based on a affidavit that was full of false statements and half-truths. The opposing side had an advantage because they turned in the affidavit with the request. The judge had plenty of time to read it but she still hasn’t heard from the other side. The judge is

supposed to be impartial until she has heard ALL the facts. It is clear that she chose to accept the affidavit as the only real truth in this matter.

The judge **tells me that**

What a slap in the face. I never got to testify about the
that I posed questions to. This whole hearing was
a complete rush to judgement.

I am not upset that What I am upset about is that I did not get a chance to present my case in its entirety and the way I was treated. I am the father of this child and deserve to have the same, full rights and respect that the mother has. It is obvious from watching the recorded video of the hearing that
had already made up her mind before walking out of her chambers based on the evidence I have presented. It is also obvious to me (and felt by me) that
is partial to mothers and that interfered with her ability to conduct a fair trial where getting to the truth mattered.

This was my first exposure to the United States Justice system and I left feeling frustrated and disillusioned. Thank you for taking the time to review my complaint. I know you must receive hundreds of them.

Sincerely,