

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-184

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge was biased against him, refused to review his evidence, and failed to follow the law in a protective order proceeding.

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: September 28, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on September 28, 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

2017-184

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.

See attached.

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Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
RE: Complaint Issuance for

ISSUE

Contrary to law (ARS 13-03602.I) refused to schedule an order of protection hearing for defendant at the "earliest possible date", whereas the plaintiff was granted exclusive residence.

found an earlier date available on the court calendar than that which she had

refused to schedule the hearing for an earlier date on the basis that it was " " and that " "

FACTS

1. -----

In a recording of the petition for an order of protection can be heard telling that she " until when the lease of her new residence begins.

In the same recording the does not disclose any information that would lead a reasonable person to believe that physical harm may result without exclusive possession of her residence. Her written petition lacks the same.

2. -----

own petition for an order of protection against immediately followed hers against him.

was intolerant and impatient toward interrupted his testimony and seemed both agitated and dismissive. refused to allow to submit digital evidence of his claims. She accused him of interrupting her when he tried to provide details he felt were compelling to his petition.

Her demeanor reasonably led to feel she was exhibiting contempt for him and that contempt was manifest in a bias in her judicial reasoning.

3. -----

his hearing for an order of protection against received service for order of protection against him while

was granted an order of protection and exclusive use without a hearing.

As soon as he was served, requested to schedule a hearing with the
who was immediately
gave me a hearing date of
requested a sooner date.

2017-184

looked at the court schedule
She said she

hearing then told that
she would need to consult with the judge before attempting to change the time of
the hearing. waited while told him
she was going to consult on his request.

had said that " returned and told that
", " , and that "

T states "

.I makes no mention of times which are ' ' to schedule a
hearing, and says nothing of dates being too soon simply by virtue of elapsed
time.

4. Telephone Conversation

asked to confirm that
had in fact refused request the change the date of his
hearing. He asked her to consult " and verify " ' made the
statements " , " , and that "

5. Telephone Conversation

asked to confirm that was asked to change
the date of his hearing as a matter of procedure. I also asked if she
had interviewed " and if " had confirmed the statements " "
, " , and that "

She confirmed that decided not to " "

She also confirmed that " told her had made the
previously mentioned statements about refusing to schedule hearing on
because it was too soon.

CONCLUSION

- Contrary to law, was refused a hearing at earliest possible date.
- did not comply with statutory requirements relating to orders of protection.
- failed to perform her duties either due to willful misconduct or incompetence.
- The decision by not to comply with statutory requirements was likely an effort to give special treatment to plaintiff insofar as it accomodated plaintiff's expected date of moving from shared residence.