

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-226

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Judge:

Complainant:

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**ORDER**

The complainant alleged that a justice of the peace made inappropriate statements to her as a victim of domestic violence and made inaccurate assumptions about her. Additionally, the commission's investigation raised concerns that the justice of the peace may have applied the wrong standards in an order of protection hearing, and may have made an improper statement on a pending or impending matter.

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 no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter reminding him to avoid making statements that give the impression he has prejudged a witness's credibility so as not to violate Rule 2.10. The complaint is dismissed pursuant to Rules 16(b) and 23(a). The commission also denied the complainant's request for a copy of the judge's response.

Dated: January 31, 2018

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on January 31, 2018.

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

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

**FOR OFFICE USE ONLY****2017-226****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.

I am not complaining about the outcome of the above referenced case. Admittedly, I was not prepared to properly present a case or "compete" with an attorney. The highly edited and incomplete text that used as evidence to support the OOP against me was particularly damning and I was not able to produce the " " (see attached police report where I later was cleared on filed by ). That being said below is my complaint.

My ultimate complaint against Judge is that it was very irresponsible, and even dangerous, for him to lecture me, a domestic violence victim, about being " " Additionally, he proceeded to make assumptions, that were not based in fact. He believed that I was repeatedly in violation of the OOP served on me. Those assumptions are absolutely false and I truly believe it clouded Judge judgment throughout the hearing and again in the second complaint I am filing from court on (please see attached complaint).

Back ground summary: After ; together, on I requested and received an OOP against (please see attached declaration of OOP service). It was issued by Judge immediately called me, and I did speak with him , and did not report the violations to the police. I then blocked his telephone number and he began emailing me. Again, I did answer some of the emails. I responded a final time by clearly stating that I would not answer any more emails nor would I see him or would I retract the OOP as he requested. I contacted the police and asked them to convey to that his contacting me was illegal and, admittedly my responding was unethical, and I would not answer again. I submitted copies of all communication, including my responses, to the police or On aggressively approached and threatened me and was subsequently arrested. He did so again on and and those resulted in arrests (please see attached arrest reports). requested an OOP against me on and it was signed by Judge After ; first arrest he asked the to serve the order dated I was served (please see attached declaration of OOP service).

I have attached the original copy of the CD in order to support my complaint. Much the hearing is bothersome to me but I am only citing what I feel are the most inappropriate. I have listed several minute markers to illustrate my concerns and make it more expedient for your review.

1) Judge states that the OOP placed on me was in effect on when he signed the order despite the fact that I was not served until Therefore, Judge believed that I was in violation of an OOP. He would not let me speak and he continued to assume that the contact initiated by , that subsequently resulted in his arrest, was also illegal on my part. At Judge finally corrected himself though I did not see any improvement in his belief and attitude toward my position.

2) Judge ; started what I am calling an inappropriate and irresponsible lecture about his

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marriage. The statement that is particularly grievous to me as a domestic violence victim is "

" That statement had absolutely no bearing in this case, and given facts that Judge \_\_\_\_\_ ; was not aware of, and in my opinion was never " \_\_\_\_\_ ' to be aware of ( \_\_\_\_\_ meth use, harrassment, stalking, etc), was inappropriate, irresponsible and even dangerous. At NO time had I violated the OOP against me despite the erroneous assumptions Judge \_\_\_\_\_ ; clearly had formed. I in NO way encouraged or lured \_\_\_\_\_ into contacting me! I believe that the statements made by Judge \_\_\_\_\_ ; completely emboldened \_\_\_\_\_ and directly contributed to other attempted contacts by \_\_\_\_\_ including twice attempting to force me off the road to talk (please see police call slips from \_\_\_\_\_ and an arrest on

3) \_\_\_\_\_ ludge \_\_\_\_\_ ; states that it " \_\_\_\_\_ " Judge \_\_\_\_\_ is correct that \_\_\_\_\_ violated the OOP against him (please see attached arrest documents). He is in complete error when he states that I have broken it as well. I firmly believe that Judge \_\_\_\_\_ carelessness contributed significantly to \_\_\_\_\_ believing he had every right to contact me despite the OOP.

Conclusion: It is my belief that Judge \_\_\_\_\_ acted inappropriately and irresponsibly when he made statements about \_\_\_\_\_ It had absolutely no relevance and it was actually dangerous to speak to a domestic violence victim in such a manner especially in the presence of her abuser. Furthermore, it emboldened \_\_\_\_\_ to further contact and threaten me. It is my professional and personal opinion that Judge \_\_\_\_\_ needs considerable training and assistance in learning to properly hear, and rule, on domestic violence cases especially when the abuser is a meth addict.

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As is my right as a victim, I attended the \_\_\_\_\_ Pre-Trial Conference on \_\_\_\_\_ for his arrest for violating an OOP. At this point in time, \_\_\_\_\_ had also been arrested \_\_\_\_\_ and arraigned \_\_\_\_\_. He was also arrested \_\_\_\_\_ for an additional violation and the court determined it would go ahead and arraign him while we were there (previously scheduled for \_\_\_\_\_)

The issue I am formally complaining about in this case is in my perception Judge \_\_\_\_\_ has clearly made the assumption that I am contacting \_\_\_\_\_. Furthermore, he contradicted the lecture I received from him in court on \_\_\_\_\_ by stating it was not against the law for me to contact \_\_\_\_\_ despite the legal OOP that was served on me

1) \_\_\_\_\_ - Judge \_\_\_\_\_ states " \_\_\_\_\_ " He continues by basically blaming me for the fact that \_\_\_\_\_ broke the law. " \_\_\_\_\_ ? \_\_\_\_\_ " Judge \_\_\_\_\_ is completely in error and out of line. I am NOT responsible for the fact that \_\_\_\_\_ contacted me. At no time was \_\_\_\_\_ arrested based upon me " \_\_\_\_\_ Furthermore, at no time have I been arrested for violating the OOP against me.

2) \_\_\_\_\_ I am not on trial yet Judge \_\_\_\_\_ states "

3) \_\_\_\_\_ I remind him that it is indeed illegal for me to contact \_\_\_\_\_ and Judge \_\_\_\_\_ continues to talk over the top of me. We are at a Pre-Trial Conference and arraignment for \_\_\_\_\_ times \_\_\_\_\_ was arrested for violating the OOP yet I am subjected to condescending and inappropriate lectures about something Judge \_\_\_\_\_ is clearly wrong.

4) \_\_\_\_\_ Once again, though I am not on trial, Judge \_\_\_\_\_ begins to address both of us about the legal ways we can contact one another. And then he proceeds to show great concern about \_\_\_\_\_ ability to post bond and states at \_\_\_\_\_

Conclusion: It is my belief that Judge \_\_\_\_\_ had a preconceived belief that I have been contacting \_\_\_\_\_ and that has emboldened \_\_\_\_\_ to contact me. Judge \_\_\_\_\_ was even making decisions about whether or not \_\_\_\_\_ is a danger to me based upon the fact that I have basically " \_\_\_\_\_ " It is my understanding that at \_\_\_\_\_ arraignment for the second arrest, \_\_\_\_\_ stated to Judge \_\_\_\_\_ that I had been contacting him. \_\_\_\_\_ also made that claim to \_\_\_\_\_ and upon investigation, \_\_\_\_\_ could find no supporting evidence of a violation on my part (please see attached \_\_\_\_\_). At no time would Judge \_\_\_\_\_ allow me the opportunity to clear his erroneous perception and I contend it clouded his judgment \_\_\_\_\_ I was in his court. Judge \_\_\_\_\_ needs serious training

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from his superiors. In my experience, he behaved irresponsibly, inappropriately and carelessly and by doing so he has empowered and emboldened a very dangerous man to continue to be a threat to my well being. As a \_\_\_\_\_ I am troubled by the careless and sometimes aggressive manner in which he addressed me. Though I am very angry and disappointed by Judge \_\_\_\_\_ behavior ultimately I will be fine. I am a lucky \_\_\_\_\_ in that I am \_\_\_\_\_ and surrounded by an extensive love and support system. But I am honestly fearful for the victim who lacks the resources I possess if she/he appears before Judge \_\_\_\_\_. I am imploring you to ensure the Judge \_\_\_\_\_ receives serious training about how to listen, how to separate his personal beliefs from his court decisions, about domestic violence and about the dangerous, manipulative tendencies of a meth user.