

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-274

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace was biased against her and did not allow her to appear telephonically for a criminal 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.

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).

Commission members George H. Foster Jr. and Colleen E. Concannon did not participate in the consideration of this matter.

Dated: December 13, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

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Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on December 13, 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**

2017-274

**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 have 3 cases in \_\_\_\_\_ . They are \_\_\_\_\_ I am trying to quash. I have had medical situations to deal with, including long extended hospital visits and then I've had to deal with the loss of first my Father and then my Mother. My mother passed away \_\_\_\_\_ . Prior to her death, I took care of her and did not work. Between my medical issues and my parents declining health and subsequent deaths, I was put in a very bad financial situation. I have only recently been employed and wanted to deal with these issues. To make matters worse, my \_\_\_\_\_ is in DCS custody and I need these warrants quashed in order to have custody of him. I have absolutely no money, cannot drive b/c my license suspended for this issue and have no way to get to \_\_\_\_\_ It is unduly burdensome and financially impossible for me to personally appear on a misdemeanor \_\_\_\_\_ I live in \_\_\_\_\_ own forms says if you live more than 200miles from the Court you can appear telephonically, copy of which is attached as Exhibit "A". Why am I being singled out and denied what others have the luxury of receiving? HIGHLY prejudicial and unfair!!

\_\_\_\_\_ knowing that I have no money and no way of getting to \_\_\_\_\_ unjustly ruled that in order to quash these \_\_\_\_\_ that I have to come to \_\_\_\_\_ as a "walk-in". To make matters worse, \_\_\_\_\_ his assistant told me I could get it quashed telephonically if I hired an attorney. How in the world does this make sense? If I have no money to get to \_\_\_\_\_ then I obviously have no money to hire an attorney. More importantly, my constitutional rights are being violated as I am being denied access to justice! \_\_\_\_\_ acts are against public policy and is not one that ensures public trust in the integrity of the judiciary. His ruling is also unduly burdensome and extremely prejudicial against me as he knew, prior to ruling, that I have absolutely no way to get to \_\_\_\_\_ and to say that hiring an attorney would fix it is again, denying me access to justice! Further, others in similarly situated situations have been able to appear telephonically and I am not.

No reason exists not to allow me to appear telephonically and, in fact, appearing telephonically is so prevelant that \_\_\_\_\_ has it printed on their form. My civil and constitutional rights have been violated by \_\_\_\_\_ by requiring me to do what others do not. Any Judge with this mentality is not serving in the best interest of the people and greatly undermines public trust! This is especially wrong since the safety and wellbeing of a \_\_\_\_\_ child is at stake! To set unrealistic expectations for someone and then penalize them for not meeting them is so unjust that no further discussion is needed.

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did not aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence. Violated Canon 1, Rule 1.2. Pursuant to Canon 2, Rule 2.2(4), "It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.", did NOTHING to ensure that I, as a self-represented litigant, had an opportunity to have my matters fairly heard - in fact, he circumvented it altogether from happening!

violated Canon 2, Rule 2.3 in that he manifested bias and/or prejudice by impairing the fairness of the proceeding and bringing the judiciary into disrepute. It is prejudicial and unjust to require I do something that I am not capable of doing. It is also prejudicial and unjust to allow others similarly situated to appear telephonically but not me.

violated Canon 2, Rule 2.5 comment 4 states "a Judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved WITHOUT UNNECESSARY COSTS or delay" (emphasis added). Having me appear as a "walk-in" is unduly burdensome and an unnecessary cost when I do not live in \_\_\_\_\_ and telephonic appearance will accomplish the same thing - AND - when others in similarly situated situation are allowed to and I'm not.

violated Canon 2, Rule 2.6 as he did not ensure my right to be heard and in fact, he made sure I couldnt be heard as he knew prior to ruling I can not get to \_\_\_\_\_. "The right to be heard is an essential component of a fair and impartial system of justice". I was denied my right to be heard.

violated Canon 2, Rule 2.10 when his staff told me I could get warrant quashed if I hired an attorney. This is highly unfair when someone doesnt have the money to hire an attorney. Court staff forcing me to spend money I dont have just so that my right to be heard is preserved is a blatant disregard of everything our judicial system is founded upon. violated Canon 2, Rule 2.12 when he failed to require his staff to act in a manner consistent with the Judge's obligations.