

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-275

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Judge:

Complainants:

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**ORDER**

The complainants alleged a superior court judge violated Rules 1.1, 1.2, 2.2, 2.6, and 2.9 of the Code of Judicial Conduct in a family law 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).

Dated: January 29, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie  
Executive Director

Copies of this order were distributed to all appropriate persons on January 29, 2018.

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

VIA FIRST CLASS MAIL

Arizona Commission on Judicial Conduct

1501 W. Washington, Suite 229  
Phoenix, AZ 85007

Re: Hon.

Dear

I am submitting this complaint against Judge \_\_\_\_\_ on behalf of my client, \_\_\_\_\_.  
However, I share \_\_\_\_\_ concerns and, therefore, join in the complaint.  
My client is a \_\_\_\_\_ who has served \_\_\_\_\_  
is provided as Exhibit A with this complaint and  
details her \_\_\_\_\_ background and the \_\_\_\_\_.

The bases for our complaint were the subject of several pleadings filed with Judge \_\_\_\_\_ during the pendency of a case over which Judge \_\_\_\_\_ presided – \_\_\_\_\_). I am enclosing with this complaint the pleadings which are pertinent to the complaint and which I believe will be helpful to you in evaluating the complaint.

I understand that it is not the function of a complainant to serve as a *de facto* prosecutor but rather to call to your attention, and to the attention of the Commission, conduct which appears to have violated the Code of Judicial Conduct applicable to judges in Arizona.

The primary grounds for this complaint are:

- 1) The removal of my client as the \_\_\_\_\_ r following an *off-the-record* telephone conference with counsel on \_\_\_\_\_ at a time when the court knew or should have known that my client was undergoing surgery in \_\_\_\_\_ ;
- 2) The failure to record and transcribe the telephonic conference with counsel on \_\_\_\_\_ so that my client, directly and professionally affected by the decision of Judge \_\_\_\_\_ to remove my client \_\_\_\_\_ , would know precisely what was said and by whom during the conference and following a review of the record which should have been created, understand if there was a legitimate factual basis for the judge's Order removing her.
- 3) After precipitously removing my client \_\_\_\_\_ in the case, Judge \_\_\_\_\_ who knew or should have known that \_\_\_\_\_ was in \_\_\_\_\_ , a directive to nonetheless included in the Order removing \_\_\_\_\_ , a directive to

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4) When [redacted] belatedly learned of what had transpired, she learned not only that her impeccable reputation had been adversely affected by her precipitous removal [redacted]; – *without any curative explanation on the record* – but also that counsel for the mother was demanding [redacted] who, at the time of her removal, had already expended more than [redacted] on the case.

5) After her removal and the issue regarding [redacted] had been raised, I was retained by [redacted] to protect her professional, reputational and financial interests. Following [redacted] I filed a motion to [redacted]. The motion was [redacted] by Judge [redacted] without explanation or an opportunity for oral argument. While I understand that orders of the court on substantive issues are not typically reviewed by the Commission, I mention it here because the decision of Judge [redacted] to [redacted] the motion [redacted] exacerbated the problem created by her failure to allow [redacted] to participate in any way *before* the judge removed her from the case while the judge was presumably still considering the request of Mother’s counsel to have [redacted].

6) I was sufficiently troubled by Judge [redacted]’s injudicious treatment of [redacted] that I solicited the opinion of an experienced judge about Judge [redacted]’s conduct. I contacted [redacted] who served on the [redacted] for nearly [redacted] and more pertinently, presided over [redacted] for [redacted]. [redacted] confirmed my reaction to Judge [redacted]’s conduct and provided a detailed declaration which I filed with Judge [redacted] in support of a “ [redacted] ” on [redacted]. I requested oral argument on the [redacted] as I had with the initial [redacted]. More than a [redacted], Judge [redacted] the [redacted] without comment or an opportunity for oral argument.

7) The court’s injudicious treatment of [redacted] caused [redacted] significant emotional distress, professional embarrassment and unnecessary financial burdens. [redacted] learned – only [redacted] -- that she had been removed -- *without any opportunity to be heard on the issue of her status* -- by an Order dated [redacted]. The Order removing [redacted] also required her to submit [redacted] in the preceding [redacted] to the newly-appointed [redacted] on or before [redacted]. In order to comply with that Order and because she was in [redacted] situation about which Judge [redacted] had been specifically advised, [redacted] was required to retain counsel in [redacted] at a cost of [redacted]. She learned shortly thereafter that the Mother’s counsel was demanding a [redacted] and at that point, [redacted] was referred to [redacted]. [redacted], I contacted counsel for both Mother and Father in an email dated [redacted] to determine if the demand of Mother’s counsel could be resolved without forcing me to seek to intervene on [redacted] behalf. Father’s counsel, [redacted], was cooperative and willing to discuss the issues relating to [redacted]. Mother’s counsel, [redacted], did not respond to my inquiries until I received an email dated [redacted] before she filed a pleading [redacted].

