

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-185

Judge:

Complainant:

ORDER

September 25, 2019

The Complainant alleged a municipal court judge failed to remain impartial when she coached a party in a protective order proceeding.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 25, 2019.

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

FOR OFFICE USE ONLY

2019-185

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____ Judge

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.

Throughout the audio recording of the hearing on _____ (you will hear clearly how Judge _____), led and coached my father. She acted as his attorney, not as a Judge is expected to act, by the code of Judiciary Conduct. I reviewed the Arizona Code of Judicial Conduct, and believe she violated the following:

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

- Judge _____ did not exhibit high standards of conduct. If you listen to the entire audio recording of _____ it will demonstrate this. This is further supported by Canon 2 and Canon 3, of the Arizona Code of Judicial Conduct.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- Judges are to have an absence of bias or prejudice in favor of, or against, particular parties. A Judge is supposed to maintain an open mind in considering issues that are brought before them. Judge _____ clearly did not do this. She led my father (like she was coaching him), to get the protective order supported. This is heard on the audio recording of the hearing.

- She is also heard on the audio recording saying, "_____" ". She was clearly trying to help my father support his claims of a protective order. She additionally said, "_____" ", telling him what he needed to give her, to get an order. She said, "_____".

- Judge _____ can be heard in the audio recordings saying that I was "_____" when she was only hearing what my father was saying to her (which was all lies). I was not present to defend the lies being said, and for her to state what she believed my motive was from the lies my father was telling her (was unprofessional and violated the Arizona Code of Judiciary Conduct). She further stated, "_____" (as if she was trying really hard to grant the

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order of protection). You will hear a pause, and she said. "
recording she says, "
". Towards the end of the audio
". She also told my father during the hearing
". She can be
heard at the end of the audio recording speaking as if I was a criminal (and I am not), saying, "
". She encouraged him to create a safety plan. My father said
that he believed I needed to have an evaluation. The Judge can be heard responding, "

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

- (1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge shall maintain order and decorum in judicial proceedings.
- (3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.
- (4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the abilities of all litigants, including self-represented litigants, to be fairly heard, provided, however, that in so doing, a judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person.

- Judge _____ clearly did not abide by her Judicial duties.

1 Timeline of Events / Evidence

2 Email I Ignored
Later - order of Protection was
Filed Against Me

3 Current Order of Protection

4 History (Police Reports /
And Past Order of Protection Dismissed) (contract)

5 Recordings

6 Account on Facebook Reviewing
My Page

7 Request of Reimbursement for Travel
Expenses Due to Hearing / ~~And~~ answer
from

8 Protection order dismissed

Timeline of Events:

(Recording)

My sister initiated an argument with me (which can be heard on audio recording). Completely different story than what my father told the Judge. I continually told my sister (which can be heard on audio recording), that I did not want to argue, and I just wanted peace. I also never lunged at my sister, as my father told the Judge. You can hear my father raising his voice at me, trying to say I was creating a diversion because I wasn't doing what my sister was wanted. When I asked my father to please give me some papers back, that my sister was wanting him to copy (and I told him he did not have permission to do that), he yelled at me and told me to get out. I said during the audio recording that they scare me, and I will not be threatened anymore. As I got my clothes together that was in the dryer (my father can be heard still speaking to me).

(the day after my father claims I initiated an argument with him and my sister which I didn't do), my sister tried to begin an argument with me again when I wasn't bothering her. I kept getting harassing text from my sister, as I was at the hospital with our mother. The Event No. was with the Police Department.

Case Management at both and should have on file support what I am saying. Case Management witnessed at the harassing text I was continually getting from my sister (as they would be in a conversation with me and my phone would not stop going off with text alerts). I showed Case Management my text I was getting, when I was trying to focus on our mother's care.

I called a Police Officer and he came out to my residence in and reviewed text/emails I was getting from my sister. As he was reviewing them, I continued to get more from He told me it was borderline harassment. This incident was Reference ID No. He encouraged me to get a protection order and called my sister and told her to not contact me. I told him at this time, I had no choice but to speak to her if need be, regarding our mother who was in the hospital and/or the house that was in both of our names, that our mother was living in. My father got upset that my sister was contacted by an officer, being told what she was. She of course didn't tell our father what she was doing to me, she told him a completely different story as she always does, making herself the victim.

I watched my mother go into cardiac arrest for almost After she was revived, she was basically brain damaged. She was put onto life support. I did this by myself, with no support by my father and/or sister.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**