

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-312

Judge:

Complainant:

ORDER

March 15, 2021

The Complainant alleged a justice of the peace engaged in ex parte communications, was not fair and impartial, and made improper rulings in protective order proceedings.

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 Commission Rules 16(a) and 23(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 15, 2021.

COMPLAINT AGAINST JUDGE
Attachment

In my opinion, Judge [redacted] is either too personally involved in the disputes involving me and my ex-girlfriend, [redacted], or he has lost sight of the necessary and important judicial tools such as independence, discretion and impartiality. Simply put, as set forth below, Judge [redacted] has made repeated judicial, as well as personal decisions, that demonstrate highly questionable decision-making and/or judicial misconduct. Time and time again, Judge [redacted] has crossed the line and needs to be brought to account for same. Unfortunately, given Judge [redacted] personality and overall court room demeanor, I truly think this is the only mechanism by which he can be held accountable.

This matter all starts from a factually false Order of Protection sought by [redacted] against me in [redacted]. Shortly after [redacted] sought and was granted the Order of Protection, I was met by several members of the [redacted] at my home located at [redacted]. I was instructed that I needed to leave my home. I had already packed my bag before the Sheriff Deputy's arrived as I had previously decided to leave the volatile cohabitation situation with [redacted].

At that time, I left my home and I was never served with any formal Order of Protection or related paperwork. I am unsure if the Deputy's simply failed to serve me at that time or if there was some other delay that caused to me to not be served at that time. Thereafter, I went to the [redacted] for dinner and a glass of wine. I was sitting at the bar late afternoon. As I was enjoying my glass of wine, Judge [redacted] the same Judge that had granted [redacted] Order just hours before, sat down at the bar stool next to me. I had never met Judge [redacted] before that evening and did not know him by sight.

Judge [redacted] seemed nice enough but something about him raised my suspicions. He introduced himself as a "[redacted]" and I had to pry into exactly what that meant. After continuing our conversation, he finally disclosed to me that he was the sitting Judge in [redacted] after asking me several personal questions. At that point, it seemed odd to me that the same Judge that had just hours before was taking [redacted] testimony about my alleged abusive conduct was sitting next to me at a bar stool. At that point, I became aware of Judge [redacted] connection with [redacted] and he also acknowledged to me his earlier involvement as the Judge involved in [redacted] Complaint and Order of Protection.

Thereafter, after realizing the potential conflict or inappropriateness of continued communication, he continued sitting next to me and appeared to be trying to get a view of my cell phone screen as I texted [redacted]. He then asked me where I was going to spent the night as "[redacted]." I told him I had not received any paperwork that advised me of any such long term prohibitions and he

advised me that I could get a copy of the paperwork at the Courthouse. At that time, the Courthouse was closed and I told him I would look into it at the next opportunity. Prior to Judge [redacted] departure, I ordered dinner and he finished up his beer and left. Within about [redacted] of the Judge's departure, Sheriff Deputies entered the [redacted] and arrested me for "[redacted]" the Order of Protection which I had never received a copy of earlier in the day. I was advised by the arresting deputies that Judge [redacted] had personally advised them that he suspected I was texting [redacted] based on his observations at the [redacted] and that they had independently confirmed same with [redacted] before coming to make their arrest.

To make matters worse, I was advised by my criminal counsel, [redacted] that an offer of diversion would not be made to me. As such, I stood to receive [redacted] in jail, plus a fine. Luckily, Judge [redacted] recused himself and the matter was transferred to [redacted] and the judge hearing the matter advised the prosecutor that he did not want the matter to be presented and all charges were ultimately dropped. The level of involvement and/or control by Judge [redacted] over the matter prior to transfer to [redacted] is unclear; however, to the extent Judge [redacted] was responsible or played a role in [redacted] not being offering diversion, I would also want that matter reviewed by this commission.

In addition, upon information and belief, I believe Judge [redacted] has a personal and/or business relationship with a very good friend of [redacted]. In fact, I believe this relationship with [redacted] is at least one source/reason for Judge [redacted] personal involvement and/or loss of impartiality. [redacted] has recently been involved with Judge [redacted] related to his [redacted].

As such, I believe this personal/business relationship with [redacted] may be the source of improper and misleading information from [redacted] to Judge [redacted] concerning the personal relationship between me and [redacted]. Despite this apparent recusal worthy relationship, Judge [redacted] heard the original Complaint and subsequent requests by [redacted] to renew the Order of Protection despite the lack of sufficient and proper grounds for same. In fact, Judge [redacted] was improperly continued the original Order of Protection at least [redacted] without proper grounds for same and has even increased the distance in each such continuance/re-issuance.

Finally, Judge [redacted] has harassed me and communicated with me a derogatory and disrespectful manner while I was performing my duties as [redacted]. In or about [redacted] I was checking on [redacted] Judge [redacted] made personal contact with me and started telling me what I could and could not do related to [redacted]. At that point, I realized Judge [redacted] lived across the street [redacted].

[redacted]. I was shocked at the [redacted].

audacity and autocratic nature of his communications and I told him to basically mind his own business and I was going to do my job for my clients, the same way I always do my job. This must have upset Judge [redacted] I mean "

As a result, within a week or so of the encounter with Judge [redacted] attitude towards me changed and I had to fight for [redacted] which caused conflict with my [redacted] I suspect Judge [redacted] spoke with his former neighbors and [redacted] In addition, almost immediately after [redacted] I was fired [redacted] after Judge [redacted] upon information and belief, made contact with [redacted].

Bottom line, I feel like Judge [redacted] has simply lost sight of his appointed and expected role as an impartial, fair-minded, competent and independent member of the judiciary. At a minimum, Judge [redacted] original contact with me calls the overall circumstances into question. And, in conjunction with the relationship with one of [redacted] best friends, [redacted] and Judge [redacted] conduct with me directly and, upon information and belief, the prejudicial contact with [redacted] and [redacted] certainly puts the system of justice into question as to the impartial administration of justice.

Simply put, the citizens of [redacted] deserve better from their appointed officials that are tasked with serving all citizens fairly, and not bringing the office into a condition or even perception of disrepute. I submit that Judge [redacted] has failed on that simple yet important task.

As such, I ask that you investigate these matters and act swiftly, fairly and with an overriding sense of justice for all involved.