

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-054

Judge:

Complainant:

ORDER

June 6, 2024

The Complainant alleged a justice of the peace made inconsistent rulings because of racial bias in two protection order cases.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 6, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-054

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.

On _____ I initiated legal proceedings by filing a restraining order against _____ (Case: _____). Following my application, Judge _____ (a _____ woman), who is overseeing my case, opted to schedule a hearing rather than making an immediate judgment. This decision came after a careful consideration of the allegations, where _____ mentioned that the grievances being aired against me were part of a broader interpretation of freedom of speech, hence her decision to proceed with a hearing. _____, involved in the proceedings, agreed with _____ approach, indicating no objections to setting a hearing for further evaluation.

During this process, on _____, I faced allegations from another individual, whom I had previously reported to _____. This person, also a _____ woman, accused me of verbal harassment through social media platforms. Unlike my case, _____ decided to grant an injunction against harassment in favor of this individual without proceeding to a hearing.

This series of events has led me to reflect deeply on the judicial process and its implications. It appears that my valid and well-documented instances of harassment, including those against the mother of my child, were not sufficient to secure a restraining order without a hearing, ostensibly due to concerns over freedom of speech. Conversely, allegations against me, which I perceive as less substantiated, resulted in an immediate injunction. This discrepancy has prompted me to question whether the decisions were influenced by racial biases, given the differing outcomes for a _____ man and a _____ woman under seemingly comparable circumstances.

The situation underscores a troubling inconsistency in how legal protections are applied, raising concerns about fairness and equality within the judicial system. It compels a closer examination of how allegations of harassment are evaluated and the factors that influence judicial discretion, especially in cases that might intersect with issues of race and equity.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

On _____ I initiated legal proceedings by filing a restraining order against (Case: _____). Following my application, Judge _____ (a _____ woman), who is overseeing my case, opted to schedule a hearing rather than making an immediate judgment. This decision came after a careful consideration of the allegations, where _____ mentioned that the grievances being aired against me were part of a broader interpretation of freedom of speech, hence her decision to proceed with a hearing. _____, involved in the proceedings, agreed with _____ approach, indicating no objections to setting a hearing for further evaluation.

During this process, on _____, I faced allegations from another individual, whom I had previously reported to _____. This person, also a _____ woman, accused me of verbal harassment through social media platforms. Unlike my case, _____ decided to grant an injunction against harassment in favor of this individual without proceeding to a hearing.

This series of events has led me to reflect deeply on the judicial process and its implications. It appears that my valid and well-documented instances of harassment, including those against the mother of my child, were not sufficient to secure a restraining order without a hearing, ostensibly due to concerns over freedom of speech. Conversely, allegations against me, which I perceive as less substantiated, resulted in an immediate injunction. This discrepancy has prompted me to question whether the decisions were influenced by racial biases, given the differing outcomes for a _____ man and a _____ woman under seemingly comparable circumstances.

The situation underscores a troubling inconsistency in how legal protections are applied, raising concerns about fairness and equality within the judicial system. It compels a closer examination of how allegations of harassment are evaluated and the factors that influence judicial discretion, especially in cases that might intersect with issues of race and equity.