

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-063

Judge:

Complainant:

ORDER

August 30, 2024

The Complainant alleged a superior court judge permitted mocking, laughing, interruptions, and other unacceptable conduct during hearings in a family law matter.

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 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 members Denise K. Aguilar and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 30, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-063

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.

Please see attached complaint paper work ;
RULE 2.6. Ensuring the Right to Be Heard (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but shall not coerce any party into settlement. Comment 1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

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PICANON 1 A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALPIITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1. Compliance with the Law A judge shall comply with the law, including the Code of Judicial Conduct. Comment For a discussion of the judge's obligation when applying and interpreting the law, see Rule 2.2 and the related comment.

RULE 1.2. Promoting Confidence in the Judiciary A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Comment 1. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge. 2. A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the code. 3. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms. 4. Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all. 5. Actual improprieties include violations of law, court rules, or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. An appearance of impropriety does not exist merely because a judge has previously rendered a decision on a similar issue, has a general opinion about a legal matter that relates to the case before him or her, or may have personal views that are not in harmony with the views or objectives of either party. A judge's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

CANON 1 A

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RULE 2.2. Impartiality and Fairness A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. **Comment 1.** To ensure impartiality and fairness to all parties, a judge must be objective and open-minded. 2. Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. 3. A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct. 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.

RULE 2.3. Bias, Prejudice, and Harassment (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. **(B)** A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but

not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so. (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but - 12 - not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others. (D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Comment 1. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. 2. Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Facial expressions and body language may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased. 3. Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

RULE 2.6. Ensuring the Right to Be Heard (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but shall not coerce any party into settlement. Comment 1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

COMPLAINT Definitions

I've been through many court hearings and procedures and never in my years have I seen a hearing commenced in the manner in which the court hearings have been done regarding the above mentioned case.

Not once but many times during the proceeding did I have to stop the hearing myself to address the fact that the council's lawyer , and the the judge having permitted it, we're behaving inappropriately *laughing and mocking* as if there was a joke going on per seat in the proceedings in which my daughter

had lost her lawyer and representation and was trying to represent herself it was if a circus show was being performed and it was absolutely so disrespectful and so inappropriate and the judge allowed this not on one occasion but multiple occasions including her own self.

The judge even went as far as to order a hair follicle test for all parties knowing that the main party associated with the case is a [redacted] year old bald man in which there is no way to obtain the hair follicle test not to mention it was an unnecessary request [redacted] months into the hearing costing my daughter and myself hundreds of dollars in which it was not fair to all parties due to the fact that as above mentioned one of the parties has no hair so to what point was this ordered?

It was ordered because my daughter's opposing counsel requested it which brings us to the third area of concern of misconduct which is the right to be heard .

On several occasions when asked to respond my daughter and I were not even given the chance to a response we were cut off immediately. However whenever the other Council speaks they are given full convenience of request they are allowed to request things from the court they are allowed to question they are allowed to be heard yet due to the fact that my daughter has no counsel none of her requests were given only that of the other respondents cancel it's as if my daughter and I did not exist at all during the court hearing in fact at one time during the hearing in which I was giving my testimony the judge [redacted] was already typing up her notes as the conclusion for the days hearing while I was speaking giving my testimony. Transcripts from all hearings can be provided and video to account and show this action therefore the judge was not listening to anything that I had to say or my daughter, in fact during that same proceeding the judge interrupted the hearing with an outburst towards myself in which she claimed I was reading her notes that she was typing in as the testimony was going on. The judge at that time swung her monitor around and accused me of reading her notes that she obviously did not want anyone to see and reprimanded me for doing so, in which I explained to the judge that I could not even see that far. On multiple occasions during that same hearing she stared me down for minutes at a time with no words spoken I'm not sure if this was an act of intimidation or what she hoped to achieved of this but again behaving in the courtroom as if this is some sort of circus show and displaying the obvious which is an emotional compromise and the ability to see the case through.

It is apparent that this case was handled so inappropriately not only is the judge Emotionally compromised and unbiased but she denied the other parties to be heard and to represent themselves due to the fact that they had no legal counsel and only permitted the lawyer and the judge to make decisions and to speak about what would occur during the case. There were other instances as well of inappropriate proceedings and behavior on the part of the judge in which I will provide the transcripts of the hearings. This case is a court case involving a [redacted]-year-old man who was [redacted] at the time that he had sex with my [redacted] year old daughter under the influence of drugs and involving The Offspring of that occurrence which is my granddaughter in which this court case is about. Therefore it is of the utmost

**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.**