

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-147

Judge:

Complainant:

ORDER

August 30, 2024

The Complainant alleged a justice of the peace did not address the alleged misbehavior of a long-time clerk under his supervision.

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 Christopher P. Staring did not participate in the consideration of this matter.

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

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Subject: Re: complaint regarding , AZ Justice Court ()

Caution! This message was sent from outside your organization.

Sorry about that. is a long-time clerk at . My intent is to submit a complaint regarding at this time, since he has not addressed my complaint regarding . My overall goal is for to comply with Rule 6, as highlighted in email. At this time, I don't think will comply with Rule 6, short of this CJC complaint regarding JP .

Thank you,

This e-mail contains legally privileged and confidential information intended only for the individual or entity named within the message. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, please notify us by reply e-mail and delete the original and sent messages.

On Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov> wrote:

Hello:

It is not clear from your email, but is a clerk or a pro tem judge? If is a clerk, the Commission does not have jurisdiction over court employees. We only have jurisdiction over judges. Complaints against court employees are handled at the local level – either by the presiding judge of the court in which they work or by court administration.

If you are filing a complaint against a judge, that is something our agency can assist with. Please specify which judicial officers, by name, that you wish to complain about. You mention Judge and the “ ” The current Justice of the Peace is , and we presume this is who you mean when you say the elected judge of . Please clarify if it is your intention to submit a complaint against one or both

of those individuals. If [redacted] is a pro tem, it would be helpful for us to have the full-name of this judicial officer.

Thank you.

Arizona Commission on Judicial Conduct

1501 W. Washington, Suite 229

Phoenix, AZ 85007

602-452-3200

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: complaint regarding [redacted], AZ Justice Court (

Caution! This message was sent from outside your organization.

Hello,

I have received nothing back from [redacted] nor the elected judge of [redacted], the [redacted] Justice Court, who I had BCC'd on the below message from [redacted] night, the [redacted]. I also BCC'd the Presiding Judge for [redacted] County, [redacted], but nothing from him, either. Therefore, I'm submitting this to initiate a formal complaint. Whereas my references below to [redacted] were related to the victim services unit of the AZ [redacted], my (very limited) understanding is that this complaint would be more appropriately handled by the CJC. If this is not a matter the CJC would handle, please refer me to the appropriate agency to handle such a complaint.

Thank you so much,

This e-mail contains legally privileged and confidential information intended only for the individual or entity named within the message. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, please notify us by reply e-mail and delete the original and sent messages.

----- Forwarded message -----

From:

Date:

Subject: - protective orders

To:

Rule 6. Court Availability for Protective Orders

Arizona Revised Statutes Annotated Arizona Rules of Protective Order Procedure

Arizona Revised Statutes Annotated

Arizona Rules of Protective Order Procedure

Part IV. Access to Courts

17B A.R.S. Rules Protect.Ord. Proc., Rule 6

Formerly cited as AZ ST RPOP Rule 1

Rule 6. Court Availability for Protective Orders

Currentness

(a) Court Hours. All municipal, justice, and superior courts **must** be available during normal operating hours to **issue** and enforce protective orders. For an Emergency Order of Protection after normal operating hours, see Rule 24.

(b) Access to the Court for *Ex Parte* Hearing.

(1) A judicial officer must allow a victim advocate, if identified as such, to accompany the plaintiff during the *ex parte* hearing.

(2) The presence of a minor child or children does not constitute grounds to deny a plaintiff access to the court for the purposes of requesting an *ex parte* protective order.

(c) Where to File a Petition. A plaintiff may file a petition for a protective order with any municipal, justice, or superior court judicial officer, regardless of the parties' residence. **All limited and general jurisdiction courts must accept a person's request to file a petition for a protective order** even if that particular court does not normally issue protective orders.

(d) Designated Court. Courts located within a one-mile proximity may agree to designate a court for issuance of protective orders. If courts enter into such an agreement, the referring court must provide written or verbal information and directions regarding the designated court and, prior to referral, must ensure that the designated court is open to issue an order that day. If the designated court is not available to issue orders, the referring court must conduct the individual hearing with the plaintiff.

(e) Courts with Part-time Judicial Officers. A court having only a part-time judicial officer must provide coverage for the court, or court staff must direct a person requesting a protective order to the appropriate court location after ensuring a judicial officer is available.

Credits

Formerly Rule 1 in part, added Sept. 5, 2007, effective Jan. 1, 2008. Amended Sept. 16, 2008, effective Sept. 26, 2008. Adopted on a permanent basis effective Sept. 3, 2009. Amended Aug. 30, 2012, effective Jan. 1, 2013. Renumbered Rule 6 and amended Aug. 27, 2015, effective Jan. 1, 2016.

17B A. R. S. Rules Protective Order Proc., Rule 6, AZ ST RPOP Rule 6

State Court Rules are current with amendments received through March 1, 2024. The Code of Judicial Administration is current with amendments received through February 15, 2024.

END OF DOCUMENT

Your behavior on [redacted] was extremely disturbing and it has stuck with me ever since. If you didn't notice that day, you made my daughter cry. You caused us both a very long weekend extremely stressed at knowing the court loudly, aggressively, and publicly refused to follow the law by doing the very little bit mandated to protect us. We went without so much as you opening the petition and had to go to extreme measures to protect ourselves because of you, alone.

I'm not sure why you argued with me that the law does not require the court to be available, but I'm choosing to give you the benefit of the doubt and assume your vitriol really was due to ignorance, despite how long you've been a clerk at [redacted]. To that end, please see the above and never, **ever** treat

anyone seeking legally-required protections like that again. Please study it to the extent needed to get it right for all future petitioners and educate your deputies to the extent they share your extremely unsafe stance and attitude.

Given how long you've been there, I can't imagine how many before us you treated in that manner and what happened to them all when you refused to do your job.

The court rules do not exist to create inconvenience for you at _____ on _____ afternoons. They exist to prevent undue additional stress to those already suffering from volatile situations. No one situated as we were that day WANTS to be there seeking help. We come there for help only because we need to.

I eventually got the IAH and the defendant asked for his legally-available hearing. At that hearing, I had to endure a slew of questions related to your refusal to file my petition. Of course, being confronted by the defendant in this manner only compounded an already dangerous and extremely stressful situation.

It wasn't even that your deputy refused; you jumped in at her desk to say to the whole waiting area that *you* did not want her to get the petition started, causing another person in her line to start arguing about the law. The stress over how you mishandled my family that day is enduring. I lost hours MORE sleep just last night over this, weeks after you did this to us.

My children and I were also crime victims back in _____. That was also handled extremely poorly by the judicial system, and ended up with county-wide changes being implemented for the conduct of initial appearances, as well as county-wide changes in courthouse signage. This County wouldn't deal with those issues in my case back then, so I made sure to very publicly pursue larger-scale remedies from the _____ office so others might not have to suffer continued mistreatment by the county like we did.

No one should have to continue fighting this hard for things that were already made a part of the law due to prior people's traumas. It's sincerely outrageous that I'm finding myself in a similar position all these years later after the rules were carefully written and rewritten precisely to prevent what you did to us. The initial stages of these ongoing safety concerns are written into the law as SIMPLE. Whereas my family should have been able to move through the remainder of the process of keeping ourselves safe, we are all still stuck all the way back at the pre-IAH stage, literally losing sleep over this.

I would like an affirmative response from you - as the supervisor who stepped in to stop the legal process for us - that you now understand your role in this process and intend to make whatever changes are necessary on your end to ensure this never happens again on your watch. I want a true commitment that you will never do this to anyone else and that you or perhaps Judge _____ will be instructing your deputies to follow the law, also.

If I don't receive **specifics** from you about the changes you will be making for yourself and your deputies, I will be taking additional steps to prevent this from happening to others who approach _____ for help.

We all deserve fair treatment. The biggest stresses in our lives should not be BECAUSE of the court system.

**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.**