

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-224

Judge:

Complainant:

ORDER

September 10, 2024

The Complainant alleged a superior court judge excluded the public from a hearing by not having the live stream available.

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 Roger D. Barton, Louis Frank Dominguez, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 10, 2024.

Hon.
Presiding Judge

Comp

2024 - 224

Dear Judge

I am writing to formally lodge a complaint regarding the unlawful exclusion of the public from a recent court hearing without the provision of any required justification or findings. This exclusion constitutes a violation of both state and federal laws governing public access to judicial proceedings. The details of the incident are as follows:

Case Information:

- **Case Number:**
- **Case Name:**
- **Hearing Type:** Resolution Management Conference and Status Conference
- **Date & Time:**
- **Judge:**

Incident Description: On _____ a virtual hearing for the case of _____ (Case No. _____) was held, presided over by Judge _____. According to the court's website, this hearing was to be live-streamed to allow for public observation. However, no live stream link was provided, thereby denying public access in violation of the public's right to observe judicial proceedings.

Subsequently, members of the public, including myself, attempted to observe the hearing via the Microsoft Teams link issued by the court. This method had been used without issue to observe the previous virtual hearing on _____. Despite this established precedent, the court, without any stated justification, excluded all members of the public from the hearing on _____ permitting only attorneys, parties.

This exclusion occurred without any explanation or findings provided by the court, which is a clear violation of the First Amendment of the United States Constitution and Article 2, Section 11 of the Arizona Constitution, both of which guarantee the public's right to access court proceedings.

Furthermore, the Arizona Rules of Family Law Procedure mandate that any decision to exclude the public from a hearing must be accompanied by specific findings and justifications, none of which were provided in this instance.

Request for Action: Given the severity of this violation, I respectfully demand that the court take the following actions:

1. Provide a written explanation and justification for the exclusion of the public from the hearing on _____, including the specific findings that led to this decision.
2. Ensure compliance with state and federal laws regarding public access to judicial proceedings in all future cases.
3. Conduct a thorough review of the procedural failures that resulted in this unlawful exclusion and implement measures to prevent any recurrence.

It is imperative that the judiciary maintains transparency and adheres strictly to constitutional and procedural requirements to uphold public trust in the judicial system. The unlawful exclusion of the public from this hearing is a grave matter that warrants immediate and comprehensive remedial action.

I look forward to your prompt response addressing this serious concern.

Sincerely,

[Name]

cc:

- Arizona Commission on Judicial Conduct
- Administrative Office of the Courts
- Clerk of the _____ Court
- _____ County _____ Court Clerk's Office