

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-293

Judge:

Complainant:

ORDER

October 25, 2024

The Complainant alleged a justice of the peace's demeanor and tone were improper during a contract dispute case.

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).

Copies of this order were distributed to all appropriate persons on October 25, 2024.

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

2024 - 293

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.

I am the Attorney of Record for the Defendant in the above-referenced matter.

On or about [] my office received a "Notice of Pretrial Conference" marked "virtually", to be conducted on [] in the above-referenced matter, providing me the specific phone number and meeting ID to attend.

I had already scheduled personal vacation time for that date, so on [] I filed a Motion to Reschedule the Pre-Trial Conference.

As of [] the day before the hearing, my office still had not received a ruling on my Motion. My paralegal call the Court at approximate [] on [] and inquired if my Motion had been ruled yet. My paralegal was advised that it had not yet been ruled yet, and that unless my office received an email by the end of that day, I was to appear as noticed. My office did not receive an email from the Court. I personally appeared telephonically as directed, calling the designated phone number at [] AM. I designated the meeting ID, and was advised that I was "in the meeting".

At approximately [] was advised that there would be a delay and the case would not be called for another fifteen minutes. I asked if I should call back or remain on the line, and wa advised that it wa mv decision to make, that it was " [] ". I chose to hang up and call back.

At [] I again called the designated phone number, and used the designated meet ID to again join meeting. I held for several additional minutes and the Judge finally came on the line. She called a case that I was not involved in. The Judge directed the participating attorneys in that case to hold a discussion about the case between themselves. As the attorneys began discussing the facts of their case, I was able to hear their entire discussion. I advised them that they were on a public forum, and that others, including myself, were listening.

The Judge cut in and wanted to know what I was doing. I tried to explain to her that I believed that the participants in the current case were not aware that everything they discussed was public. The Judge, in an incredibly authoritative and argumentative voice, advised me to not interfere. Based upon her comment, I said nothing else. I continued to stay on the phone waiting for my case to be called. I heard nothing else, so I hung up again, and called back at [] I waited again, not knowing whether anyone was aware that I was on the line holding.

At [] the Judge returned to the phone, and announced that she was calling the [] Forcible Detainer calendar. She began to call forcible entry & detainer cases. I interrupted the Judge and advised her that I was still holding for my [] Pre-Trial Conference. The Judge advised me to wait until her staff looked for my case. Several minutes later the Judge addressed me and advised me that the "Plaintiff" had filed a Motion to Continue the hearing and that it had been continued and would be reset.

At that point the Judge advised me for the second time during our conversation that I had better " [] ". Her tone was authoritarian, dictatorial, and threatening. I had not been disrespectful in any way, had certainly not insulted court personnel, other participants, or the Judge personally. I was shocked at the attitude and tone of the Judge. I am of the opinion that the attitude of the Judge was unfounded, unprofessional, and uncalled for. Her conduct was rude and called her impartiality into question.

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FOR OFFICE USE ONLY

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I have practiced law in Arizona for over _____ years, and am certainly aware that the legal process is not perfect, and that the Arizona Justice Courts are very busy.

However, as the premier Officer of the Court, Judges must be held to a higher standard to create a non-threatening atmosphere for our citizens, many of which have very limited exposure to the Court system, and develop their impressions of fairness and impartiality of our Court system from the Judges.

To protect my client, and the public in general, I file this Complaint against Judge _____, the first Complaint I have filed against a Judge in my _____ year legal career.