

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-323

Judge:

Complainant:

ORDER

March 18, 2025

The Complainant alleged a superior court commissioner failed to follow relevant statutes and law, and displayed poor judicial temperament.

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 members Roger D. Barton, Colleen E. Concannon, and Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 18, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-323

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.

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The Law Office of

Bar No. inactive)

RE: COMPLAINT REGARDING COMMISSIONER

Dear Judicial Commission Members:

First: let me explain that I primarily work in the County Court, which is a close, tight-knit, super-specialized community of judges and about attorneys who do little to nothing else but law. We all have many cases with each judge. For these reasons, there is a lot of pressure to keep things internal, but things have become so egregious that I do not believe anything less than a complaint will address the issues with Commissioner .

My complaint has four separate sections.

FIRST ISSUE

Commissioner does not understand the law, shows no interest in learning the law, and she overtly punishes those attorneys who do not capitulate to her “i ,” no matter how wrong she is, and she is wrong in almost every hearing about something, some substantive and some not. (She also does not read exhibits a lot of the time.)

This puts attorneys in a “ ” position of being required to either accept the wrong interpretation of the law (to stay in her good graces) which causes a detriment to their client at the particular hearing (e.g., failure to follow the rule that protects their right) or to stand up and politely as possible explain the law, and make your record, which causes her to absolutely hate you, and then she makes it known that she hates you from then on by, in hearings, greeting everyone but you, cutting you off when you speak, telling you how wrong you are, rolling her eyes at you when you make arguments, and you never, ever win anything, no matter what.

Two (of many possible) examples:

- Case : I represented one of the fathers. At the initial hearing, I asked that the order of protection be consolidated with the case and amended to permit DCS-supervised visitation between my client and his children. (This is a standard request.) Commissioner told me that she had no jurisdiction over the order of protection (she does) and that she could not modify it (she can). She would not listen to me when I tried to explain. After the hearing, I then instead followed the Protection Order procedures for a family law case with fingers crossed, and I wrote a short brief explaining the law and what I had done. At the next hearing, in , Commissioner questioned me about the order of protection, and it was

obvious that she had not read my brief as she knew none of the facts I outlined in it nor any of the law. In fact, in response to my update and renewed request, she quoted some “ ” and attributed it to the case (v. (App.)), literally the controlling law regarding a parent’s right to visitation, except it was the exact opposite of the actual holding. I just stopped arguing then as she was mad and would not listen, and so my client got no visits until the case was transferred to another judge, despite having a Constitutional right to them. (I would note that at the initial hearing with the new judge, she consolidated the order of protection and modified it so my client could visit his children.)

- Case : There have been many issues in this case, but the latest one is that Commissioner declined to allow the father to enter a no contest to a motion for severance; instead, she said, he is “ ” to enter an admission! Her stance caused the case to go off the rails, and the father refused to enter an admission (which is a good choice, frankly) I tried to explain that he is permitted to enter a no contest, and she is required to accept it, see, e.g, Ariz. R. P. Juv. Ct. 337, 338, 353, but she cut me off and would not listen.

Again: every single case with Commissioner has issues. It is commonly believed that Commissioner just makes up things, and then she acts like they are the actual law when they clearly are not. This is exceptionally concerning for every single case, and even more concerning is that she is a bully, and is now retaliating against people who follow their ethical obligations instead of allowing her to just dictate reality as she sees fit (I am one of the few attorneys who “ ” to correct her).

Many of the attorneys, contract and not, talk about this issue and brainstorm with each other how to handle this. No one has yet come up with a viable solution. After learning today of a retaliatory act she engaged which included embellishing facts, see number two below, I felt I had no choice but to complain as she cannot be allowed to misuse her position to intimidate people into staying quiet.

Also, and with everyone: In her everyday communications, Commissioner is arrogant, and commonly makes statements in a manner designed to make it known that she is an expert in the matter at issue, and she is typically condescending and snide, but she is also typically completely wrong. Sometimes her demeanor in the courtroom makes it so uncomfortable that people cannot even look at each other, like when she gets on to an interpreter who is struggling, or a parent who is trying to say something but isn’t fast enough, and she just rides them. She adores though, and does whatever they say, no matter how reasonable or not.

SECOND ISSUE

Commissioner [redacted] within the last few weeks embellished a story about me to the [redacted] in a manner meant to hurt my chances for selection. This appears to be because (1) she is angry that I do not capitulate to her interpretation of the law and because (2) I am not demure and feminine.

What happened: One early morning a year or more ago, I was at the [redacted] Court quite early for a hearing. Upon arrival, I went into the attorney room to check my mail, which is [redacted]. At one minute prior to the hearing start time, I exited the attorney room and walked down the hallway to [redacted] and waited for a minute for someone to open the door. No one did. I peeked through the crack and the courtroom was dark. I thought maybe they were running late and sat on a bench. I signed on to the courthouse wifi while I waited and then received several text or email messages (I cannot recall which) from Commissioner [redacted] bailiff saying I was needed ASAP in [redacted], so I then realized I had miswritten the courtroom I was scheduled in. I said I was in the hallway, and the bailiff replied I was not in the hallway as he had looked. ([redacted], I think.) (I did not see him look out the courtroom door nor did I hear him call the case, but I may have missed that because I was focused on [redacted].)

He also said in the messages that he had been texting (or emailing) me; I replied and said I do not get service in the courthouse and I explained that I had been waiting in the hallway for the case to be called, and had been either there or the attorney room for some large block of time, and to please not call me a liar. It was a terse exchange. I then walked to [redacted] and entered the courtroom. I apologized and said I had been knocking at and waiting on [redacted], which I had mistakenly written down. Commissioner [redacted] was quite rude to me, even when I explained what happened. She also said her bailiff had looked out the door and did not see me, and I explained what happened. I am sure he did not expect to see me trying to get into another courtroom, so we likely missed each other, and it was entirely my fault. I later apologized to the bailiff and I do agree that I should not have written back to the bailiff, but I felt like I needed to correct the record, so to speak, because he appeared to be saying that I had lied, which I had not. Instead, I had made a mistake, which I disclosed, and for which I apologized in open court to everyone for the delay. I honestly did not think it was a major incident.

What Commissioner [redacted] told the [redacted] regarding this incident is that I “ [redacted] ” at her bailiff over a “ [redacted] .” (Please note that the bailiff and I never spoke words to each other during this incident. It is all in text or email; I cannot recall which.) Commissioner [redacted] also told the committee that because of her interactions with me, she believes that I am “ [redacted] ” that I have a “ [redacted] ,” and am a “ [redacted] ,” and “ [redacted] ” for the [redacted]. Commissioner [redacted] also told them I have a “ [redacted] ” and a “ [redacted] .” While these comments would be painful to hear if true, I would accept them and work to correct the issues if any part of what she said was accurate. Instead, these comments are exceptionally damaging precisely because they are

**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.**