

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-371

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace failed to comply with victim's rights laws and denied her request to be heard.

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 Commission approved sending the judge an advisory letter to be mindful of Rule 1.1 that she must comply with the law and be cognizant of the state constitutional requirements for victims. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton, Michael J. Brown, Colleen E. Concannon, and Christopher P. Staring did not participate in the consideration of this matter.

Dated: April 2, 2025

FOR THE COMMISSION

/s/ Joseph C. Kreamer
Hon. Joseph C. Kreamer
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on April 2, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-371

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.

My name is _____ I am one of the victims in criminal case no: _____
County _____ Justice Court. I am a member of the _____ Bar No: _____

I am filing a complaint against Judge _____ because I allege she committed judicial misconduct during the criminal case. Specifically, she violated Rule 39(b)(1) and (b)(7)(c) of the Arizona Rules of Criminal Procedure. (ARCP)

On _____ a bench trial was scheduled for the criminal case. I attended and was prepared to testify as a witness at that time. The prosecutor informed the judge that in the criminal citation the subsection was not cited. The prosecutor informed the judge as to the appropriate subsection. The judge asked the unrepresented defendant if he understood the change to specify the subsection of the citation or if he wanted more time to prepare. The defendant said that he wanted time to get a lawyer and believed he should be getting a free lawyer.

By that point, there had already been _____ prior hearings in which the defendant raised getting a lawyer. More specifically, I had attended the previous hearing held on _____ I listened as the Judge walked him through the plea, explained his options for a lawyer. I kept listening as he rejected the plea and said he would consider getting a lawyer. I listened as a bench trial was set.

Then, on _____ the defendant repeated that he wanted time to get a lawyer. Despite my presence in the court room and my obvious preparation for trial, Judge _____ did not give me an opportunity to be heard about " _____ . ARCP 39 (b)(7)(c). I and my co-victim were completely ignored during this entire process. We were not given an opportunity to state our thoughts about continuing the bench trial. We were not asked if the new date, which was not a new bench trial, but a case management conference, was a date we could attend. We were treated like we just didn't matter and effectively didn't exist.

When I realized that we were not going to be heard, I raised my hand to ask a question. Judge _____ seemed surprised and allowed me to speak. I asked if she could inquire as to the Defendant's current address and place of employment. I explained that I knew due to public record that he had been evicted from the address on file and that his release conditions required he informed the court of his current address. I explained that he was employed as a cook and dangerous to me, thus I did not want to order from a restaurant where he is employed. Her response was humiliating.

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She said that she would not ask those things, that I should talk to Victims' Services and then implied that I should leave him alone. She implied that I was pursuing him and trying to be around him. My abuser thought so too, because he got the gumption to speak up and explain how he wants nothing to do with me, hasn't contacted me and wants to stay far away from me. It was shocking and humiliating. I understood in that moment, that to that court room, that judge, that defendant, my rights were nonexistent. I felt small and meaningless. I left believing that, as it was a bench trial, the judge had already made a decision about me despite not hearing any of the facts or trying the case.

Going through an assault is a terrible thing. It is difficult to ask for help; it is difficult to prepare for court and face the person that hurt you. Judge _____ worsened the situation. She did not treat me with "with fairness, respect and dignity." (ARCP 39 (b)(1)). She gave my abuser license to further his emotional and verbal abuse.

I ask this Commission on Judicial Conduct to take this matter seriously and pull the recording from the hearing. All of this was done in open court. My co-victim was present and can provide his prospective. As I stated in the beginning, I am a _____ County. I have attended hearings where victims are present. In all of those hearing, the victims have been treated with respect, dignity, and fairness. The victims have been asked if they wanted to speak or if they had anything to add; the victims have been treated like real people who matter.

Judge _____ has treated me like I don't exist. It has been severely damaging to me as I go through this process. I think of other victims who are more vulnerable than me. I wonder how terribly they feel when they leave Judge _____ court room.

Ultimately, while I understand proving a feeling - being treated with fairness, respect and dignity" (ARCP 39 (b)(1)) - is subjective, determining whether Judge _____ violated ARCP 39 (b)(7)(c) by not giving me an opportunity to be heard about a delay in trial is a matter of fact and can be determined by listening to the record.

Thank you for the opportunity to lodge my complaint.