

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-393

Judge:

Complainant:

ORDER

January 24, 2025

The Complainant alleged a superior court judge interrupted a witness to disagree with the witness's testimony.

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

Copies of this order were distributed to all appropriate persons on January 24, 2025.

2024-393

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 filing a formal complaint in reference to [] unprofessional and rude conduct on []
. This occurred at [] MST in courtroom [] at the [] County [] Court.

The plaintiff explained an incident wherein police advised that she could potentially press charges of kidnapping against the defendant. [] interjected that he had a " [] " with her testimony, because he personally has never seen a police officer give advice like that. He took action to disprove her statement by explaining that the police officers definitively would not have given this advice, they would have just arrested the person in question.

[] did not wait for the defendant to confirm or deny anything before attempting to discredit the plaintiff's statement himself. For [] to call out the plaintiff's testimony in this way is to make a statement on record that he doubted her account of events, before even hearing both sides.

The defendant's testimony actually concurred with the plaintiff's account of events, and they admitted that the police had in fact given the advice previously stated, without making an arrest. However, when the defendant's testimony supported what the plaintiff had stated, [] did not address the fact that he was incorrect in his doubt of the plaintiff's testimony.

Per the Arizona Code of Judicial Conduct, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary..."

Impartial is defined as "...absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge."

The Code of Judicial Conduct also states that "A judge shall be patient, dignified, and courteous to litigants..."

Had [] chosen to allow both sides to speak before disagreeing with the plaintiff's testimony, the defendant still would have corroborated that the police did take the exact actions the plaintiff had described. At that point it would have been clear that experiences with law enforcement can differ, and this likely would have prevented the discrediting statements. Instead, he chose to diminish the value of the plaintiff's words, and his behavior left me with less confidence in the judicial system.

[] conduct was not impartial, as he allowed a distortion of judgment to weigh against the facts of the case from the start. He did not have integrity, as he was proven incorrect about the actions of the police officers as described in the testimonies, and he did not take accountability for this. He was not courteous, as he did not maintain an open mind in this matter that was presented to him, and was demeaning and rude to the plaintiff as a result.

[] conduct must be reviewed in order to uphold the courteous and impartial judiciary that the public deserves.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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