

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-396

Judge:

Complainant:

ORDER

December 20, 2024

The Complainant alleged a superior court judge had ex parte communication in a dependency 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).

Commission members Denise K. Aguilar, Colleen E. Concannon, Joseph C. Kreamer, Regina L. Nassen, and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 20, 2024.

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Formal Complaint Against Judge _____ in the Case of _____ – Judicial Misconduct and Ethical Violations

Caution! This message was sent from outside your organization.

Date:

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007
Email: cjc@courts.az.gov

Dear Esteemed Members of the Arizona Commission on Judicial Conduct,

I am writing this letter on behalf of _____ a litigant who has been subject to the jurisdiction and rulings of Judge _____ in an ongoing dependency case. It is with great respect for the vital function of this Commission and the essential role of the judiciary that we bring forth this formal complaint, detailing numerous instances where _____ due process rights and access to justice have been compromised by the actions of Judge _____.

As you are well aware, the Arizona Code of Judicial Conduct is a bedrock for maintaining the integrity, independence, and impartiality of our judiciary. It ensures that the judiciary serves as an impartial arbiter, free from bias or the appearance thereof, and upholds the fundamental principles of fairness, due process, and decorum. However, in this particular case, it is evident that Judge _____ conduct has fallen short of these high ethical standards. We respectfully request that the Commission undertake a comprehensive review of Judge _____ actions in case and take the appropriate disciplinary measures to rectify the injustice that has occurred.

I. Overview of _____ Case and Context of Complaint

_____ has been involved in a protracted legal battle concerning the custody and welfare of his children. Throughout this ordeal, _____ has repeatedly encountered actions by Judge _____

that suggest an alarming disregard for the impartial and dignified administration of justice. From prematurely silencing him during critical hearings to exhibiting overt favoritism toward other parties, including the Arizona (), Judge has demonstrated conduct that violates both the letter and spirit of the Arizona Code of Judicial Conduct.

This complaint outlines specific breaches of the judicial code, identifies potential ethical violations, and presents evidence of Judge behavior that warrants the immediate attention and action of this Commission.

II. Violation of Canon 1 – Independence, Integrity, and Impartiality of the Judiciary

Rule 1.2 – Promoting Confidence in the Judiciary

The bedrock principle of Canon 1 is that a judge must promote public confidence in the judiciary's independence, integrity, and impartiality. This is essential not only to the credibility of individual proceedings but also to the broader public's trust in the judicial system.

In case, Judge repeated conduct of muting his microphone during court proceedings has significantly undermined his ability to adequately present his case. On numerous occasions, Judge has cut off mid-sentence, stifling his attempts to explain critical details surrounding the removal of his children, the conditions of their foster care, and potential legal errors made by the . This not only stripped of his voice in a proceeding where the stakes—his children—are paramount, but also created a clear perception of bias, as other parties were granted extensive opportunities to speak without similar interruptions.

The constant silencing of , without reasonable justification, creates an unmistakable appearance of partiality and favoritism toward the state agency involved. Such conduct breeds cynicism and disillusionment in those seeking justice, and it directly contradicts the imperative of promoting confidence in the impartiality of the judiciary. , along with his family and members of the public following his case, now harbor serious doubts about the fairness of the legal process under Judge watch.

This behavior clearly violates Rule 1.2, which obliges judges to avoid even the appearance of impropriety. A judge must not only be impartial but must also be perceived as impartial. Judge actions in muting and curtailing his right to speak violate this foundational requirement and diminish confidence in the legal system.

III. Violation of Canon 2 – Performance of Duties Impartially, Competently, and Diligently

Rule 2.6 – Ensuring the Right to Be Heard

Under Rule 2.6, every person legally interested in a proceeding has the right to be heard. This rule underscores one of the most fundamental aspects of due process: the ability to present one's case fully and without unwarranted interference.

In the case at hand, Judge [redacted] repeated muting of [redacted] microphone during key hearings has effectively stripped him of his constitutional right to be heard. Time and time again, [redacted] was silenced as he tried to raise legitimate concerns about the welfare of his children and present evidence regarding the questionable actions of the [redacted]. This silencing was not isolated to minor procedural issues but occurred during critical discussions that directly impacted the outcome of his case.

By denying [redacted] the opportunity to fully participate in the hearings, Judge [redacted] violated his right to a fair trial and hearing, as established by both state and federal law. The persistent muting of [redacted] also violated the principle of Rule 2.6, which affirms that all parties in a legal proceeding must be given the right to be heard according to law.

The right to be heard is not simply a procedural formality; it is a substantive right essential to the fair administration of justice. By denying this right, Judge [redacted] has materially affected [redacted] ability to defend his case and advocate for the best interests of his children. This conduct raises profound concerns about the fairness of the judicial proceedings overseen by Judge [redacted].

Rule 2.3 – Bias, Prejudice, and Harassment

Rule 2.3 prohibits judges from exhibiting bias, prejudice, or engaging in conduct that may be reasonably perceived as such. In [redacted] case, the frequent muting of his microphone and the dismissive attitude shown toward his concerns suggest an underlying bias, especially when contrasted with the deferential treatment afforded to other parties in the courtroom, particularly the representatives of the [redacted].

The consistent curtailing of [redacted] ability to participate in hearings, while allowing the opposing side ample time to speak, creates the impression that Judge [redacted] holds an unjustified bias against [redacted]. This unequal treatment raises serious questions about whether the judge has been influenced by extrajudicial factors or harbors prejudgments about [redacted] case.

Moreover, the pattern of dismissing [redacted] concerns without giving them due consideration further compounds the issue. The Arizona Code of Judicial Conduct demands that judges refrain from not only actual bias but also the appearance of bias. Here, Judge [redacted] behavior could easily lead an objective observer to believe that [redacted] has not been treated fairly or impartially, thus violating Rule 2.3.

IV. Potential Violation of Rule 2.9 – Ex Parte Communications

Though there is no direct evidence of ex parte communications, there is reason to suspect that Judge [redacted] may have been influenced by outside factors, given her behavior throughout [redacted] case. The manner in which she has favored the [redacted] representatives over [redacted], particularly in the allocation of speaking time and her dismissiveness toward his concerns, suggests the possibility of improper influence.

Ex parte communications are strictly prohibited by Rule 2.9, as they undermine the fairness and impartiality of judicial proceedings. We respectfully request that this aspect of Judge conduct be investigated thoroughly to determine if any unauthorized communications have occurred between the judge and representatives of the or other parties involved in the case.

V. Violation of Rule 2.8 – Decorum, Demeanor, and Communication

Rule 2.8 requires judges to conduct themselves with dignity and respect in their interactions with litigants. It also mandates that they maintain decorum in the courtroom to ensure that proceedings are carried out in a fair, professional manner.

In case, Judge repeated interruptions and premature silencing of his microphone not only reflect a lack of respect for his role as a party in the proceeding but also create an atmosphere of intimidation. This behavior, coupled with her dismissive responses to his concerns, detracts from the decorum and professionalism that the judiciary is required to maintain.

Judges are entrusted with fostering an environment where litigants, especially those involved in highly emotional and sensitive cases such as dependency matters, feel that they are being treated with respect and dignity. Judge conduct failed to meet this standard, and her actions have contributed to a breakdown in the fairness of the proceedings.

VI. Conclusion

The actions of Judge , as outlined above, represent clear violations of the Arizona Code of Judicial Conduct. Her conduct has severely prejudiced ability to receive a fair trial and has undermined public confidence in the integrity of the judicial process. The violations of Rule 1.2, Rule 2.3, Rule 2.6, Rule 2.8, and potentially Rule 2.9 demand the immediate attention and investigation of this Commission.

has suffered greatly as a result of the decisions and actions made by Judge . He has been denied the right to be heard, subjected to apparent bias, and deprived of the

fair and impartial treatment required of a judge. These issues are not minor procedural errors but are fundamental breaches of judicial ethics that strike at the heart of the justice system's credibility and effectiveness. The consequences of such misconduct are profound, both for personally and for the broader perception of the Arizona judiciary.

Given the gravity of these concerns, we respectfully request that the Arizona Commission on Judicial Conduct take immediate action to investigate and address the following:

1. A full investigation into the muting of microphone during court hearings, including an examination of whether this was done arbitrarily or in violation of his constitutional rights.
2. A review of potential bias or prejudice exhibited by Judge , including her differential

treatment of the parties involved, especially representatives of the ().

3. An inquiry into any ex parte communications that may have influenced Judge _____ rulings or demeanor in this case, including any improper interactions with _____ representatives or other involved parties.

4. Consideration of the appropriateness of Judge _____ continued involvement in this case and others like it, in light of the serious concerns raised about her ability to remain impartial, fair, and respectful in her judicial duties.

5. Imposing appropriate sanctions or disciplinary actions if it is found that Judge _____ has indeed violated the Arizona Code of Judicial Conduct, in order to uphold the integrity of the judiciary and ensure that similar misconduct does not occur in future cases.

VII. Broader Implications for the Judiciary and Public Confidence

This case extends beyond _____ personal experience. When a judge displays bias, undermines a litigant's right to be heard, or creates an atmosphere of intimidation, it erodes the public's faith in the judicial system. Dependency cases, in particular, involve highly sensitive issues where the stakes—children's lives and welfare—are at their highest. Judges presiding over these cases must hold themselves to the most rigorous ethical standards to ensure that justice is administered without fear, favoritism, or bias.

The implications of Judge _____ conduct are not isolated to this case alone. There is a real and pressing concern that other litigants, particularly those without the resources or ability to bring forward a formal complaint, may have similarly experienced unfair treatment in her courtroom. It is the duty of this Commission to safeguard the public's trust in the judiciary by addressing misconduct when it arises and setting a precedent that such behavior will not be tolerated.

VIII. Request for Remedial Measures

In addition to requesting an investigation and disciplinary action, _____ and I ask that the Commission consider the following remedial measures to restore fairness to the ongoing proceedings:

Recusal of Judge _____ from _____ case to ensure that future hearings are presided over by a judge who can impartially and fairly adjudicate the matters at hand.

Reassessment of previous rulings made by Judge _____ in _____ case, particularly those

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COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**