

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-246

Complainant: No. 1373110755A

Judge: No. 1373110755B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The transcript of the hearing did not support the allegations. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 24, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 24, 2009.

This order may not be used as a basis for disqualification of a judge.

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

FOR OFFICE USE ONLY

CJC '09-248

COMPLAINT AGAINST A JUDGE

Your name: _____

_____ Judge's name: _____

___ Date: 9-15-09

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

On August 12, 2009 at 9:11am _____ presided over a hearing
on an Order of Protection. A review of the attached transcript
shows that Commissioner _____ demonstrated a clear bias toward Petitioner.
Rule 81. Arizona Code of Judicial Conduct 2.3 states that a judge shall
perform the duties of judicial office, including administrative duties
without bias or prejudice.

At the hearing Commissioner _____ questioned Defendant twice as much
as she did of Plaintiff even thou it was Plaintiff's burden to prove that
the order of protection should stay in place, demonstrating a clear bias
toward Plaintiff in violation of Rule 81 2.3.

On page 8 line 2 and 3 Commissioner _____ states "Do you understand the
the burden for keeping an order of protection in place is very low?"

A.R.S. § 13-3602 provides the standard for issuing an Order of Protection.
Nowhere in A.R.S. § 13-3602 does it lower the burden of proof.

Since affirming an Order of Protection effectively convicts someone of
the crime of domestic violence. It would be logical to assume that the
highest burden would apply not the lowest.

Throughout the hearing Commissioner _____ acted as Plaintiff's advocate,
incredibly even at points giving Plaintiff legal advice, in violation
of Rule 81. Arizona Code of Judicial Conduct 2.2 and 2.3
(See attached transcript).

(Attach additional sheets as needed)