

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-084

Complainant: No. 1389200040A

Judge: No. 1389200040B

ORDER

The complainant alleged a judge issued an improper order of protection and allowed family members of the prevailing party to “shout and cheer” when the judge announced her ruling. The commission reviewed the complaint and the recording of the hearing and found no evidence of ethical misconduct on the part of the judge. A.R.S. § 12-1809(F)(2) allows a court to issue an injunction restricting contact between parties at places of employment, and the failure to control people after a judge has ruled is not ethical misconduct. The remaining allegations involve legal issues outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 29, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 29, 2010.

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

March 23, 2010

MAR 30 2010

To: State Bar of Arizona
 4201 N. 24th Street, Suite 200
 Phoenix, Arizona 85016-6288
 Phone: 602-252-4804
 866-482-9227
 Fax: 602-271-4930

Subject: Case: /Complaint; Pro Tem Judge
 Case #:
 Case type: Lower court appeals

I submit this letter to the American Bar Association, to voice my concerns regarding an Order of Protection hearing conducted by Pro Tem Judge [redacted] After reviewing my letter I am requesting the ABA provide a response to me regarding my concerns and complaint against Pro Tem Judge [redacted]

An "Order of Protection" hearing was held on September 14, 2009; Lisa [redacted] vs. [redacted]. During the hearing, Pro Tem Judge [redacted] refused to allow me to present to the court, the official Glendale Police report, which contained statements and observations made by the Glendale Police officers who responded to the scene, which state, both parties were given "Victim's Rights Pamphlet". This was based from the Police officer's observations made when they arrived to the scene on the dispute. Pro Tem Judge [redacted] also refused to allow me to present the official letter from the Prosecutors office, refusing to prosecute the case regarding both parties due to insufficient evidence, including the Police officers observations made at the scene. Pro Tem Judge [redacted] informed me that her reason for not allowing me to present these official Police records, citing to the court that: "The Police report are hear say". I contend that the police report is not hear say, rather observations made at the scene of the dispute and should be accepted by the court.

During the hearing process, two witnesses for the defense, under oath testified they observed red swelling on both sides of my face immediately after the dispute between me and Lisa [redacted] Police Officer Ahern, who responded to the dispute, wrote in the Police report that he did not see any marks on Ms. [redacted] face and throat or any on her body; still, Pro Tem Judge [redacted] : approved the Order of Protection against me. Ms [redacted] informed the court that she works for US Airways as a flight attendant. At that time, Pro Tem Judge [redacted] then modified the Order of Protection, which reads that

MAR 29 2010

cannot use Terminal 4 at Sky Harbor International airport. Given the testimony, was the action warranted and legal to ban me from using Terminal 4 at a public airport? I believe that Pro Tem Judge [redacted] over stepped her authority, and abused her power of authority by granting the Order of Protection and for banning me from using Terminal 4 at Sky Harbor International airport for the period of one year.

In conclusion, during Pro Tem Judge [redacted] ruling, it was further humiliating to me when Pro Tem Judge [redacted] did not react or ask Lisa [redacted] family and friends to refrain from their continuous disruptions of clapping and yelling out comments such as "Oh Yeah" and "Yeaaaah". Additionally, I believe that as a result of the judge abusing her authority, I would like an internal investigation into the judge's misconduct, and a censure for Judge [redacted] deliberate abuse of the law.

In closing I would like to thank you for addressing my concerns and complaint against Pro Tem Judge [redacted]

My case is currently under review and assigned to Judge [redacted] on March 10, 2010.

I look forward to hearing from you regarding my complaint. Thank you for your assistance.

Respectfully yours,