

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-072

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Complainant: No. 1415210667A

Judge: No. 1415210667B

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**ORDER**

The complainant alleged that a superior court judge was biased, rude, and failed to afford him an opportunity to present argument or evidence. The commission reviewed the allegations and the audio recording of the hearings and found no evidence of ethical misconduct on the part of the judge. The complainant was frustrated with the slow process of his custody case. Although the judge gave him considerable leeway to explain his position and vent his frustrations, his concerns did not establish bias or provide grounds for further investigation. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 28, 2011.

FOR THE COMMISSION

/s/ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 28, 2011.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2011-072**

**COMPLAINT AGAINST A JUDGE**

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: 3/04/2011

**Instructions:** Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

RE 2003- \_\_\_\_\_ On 02/20/2011 I had a telephonic Status Conference with Judge \_\_\_\_\_, in regard to custody issued with my daughter. Immediately when the hearing started, i had inadvertently interrupted the judge, and was trying to apologize, and explain that i am on a cell phone, and there is a delay. He didn't want to hear anything i had to say. He started reading from a "report" and i asked what report he was referring to, and he would not tell me. We were supposed to be reviewing the report prepared by my daughters' best interest attorney Jenifer Touhill with Conciliation services from Mesa superior court, and this is the report i was anxious to hear, and wanted the judge to clarify this for me. I asked him 2 times, and he just ignored my question, and completely disregarded anything i attempted to say. The Hearing was scheduled for 30 minutes, and lasted less than 10 minutes. Judge abruptly ended the hearing, with nothing being accomplished, and or explained to me. He set the next hearing over 70 days out, so this has kept the current court orderd in place regaurding visitation with my daughter, which is very limited at the moment. I feel Judge violated Judicial rules of conduct, and acted very unprofessional. After the hearing was terminated, i called my Daughters' appointed best interest attorney, Jenifer Touhill, who had been ordered to be at the hearing, after all her report was what was going to be reviewed, and she informed me that she did not recieve any entries/orders to attend the hearing, so she was not present. I feel that this is the reason Judge \_\_\_\_\_ seemed so irritated, and was looking for a reason to terminate the hearing so soon. Apparently Judge \_\_\_\_\_ office failed to send the entries/orders to the Best interest Attorneys office

*(Attach additional sheets as needed)*

Which I think is some sort of violation in and of itself. Whatever the reason, Judge [redacted] was extremely short with me, would not answer simple questions, and was very condescending, and unprofessional. Hopefully, after the audio from the hearing is reviewed, my claims will be verified, and the judge will be reprimanded. I feel, from a personal standpoint that a court of law should set the standard for ethics, and professionalism, and also accountability. I feel, that Judge [redacted] attitude on this day, and his decision to set the next hearing so far away, with no explanation, was unwarranted, and prejudicial, and not within the threshold of proper judicial conduct. Also, since Judge [redacted] and his office appointed my daughters' Best interest Attorney, then the attorney is a no show is also a very serious violation. Honestly I feel that Judge [redacted] was upset with his staff, for not doing their due diligence, and was looking for an excuse to end the hearing early. Unfortunately this was done at my expense. This has caused a timely delay in the reunification with my daughter, and the over progress of this case. I don't know if the Board can appoint me a new judge, or to a new venue, because this judge, for whatever reason has some serious issues with patience, articulation of his orders, and basic communication skills. Rule 2.8 of Rules of Judicial conduct have been violated, as well as whatever rule pertains to my Daughters' attorney not showing up to the hearing, because of Judge [redacted] and or his staffs' errors. If I don't show up to a hearing, there would be sanctions, warrants, defaults, Etc. Hopefully the courts, and its officers will be held to the same standard.

Thank you for hearing, investigating, and considering my case.

Respectfully,