

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-211

Complainant: No. 1425210945A

Judge: No. 1425210945B

ORDER

The complainant alleged that a pro tem municipal court judge ignored the facts and law in his case and inappropriately impugned the veracity of his spouse as a witness on his behalf.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing the information provided by the complainant and the electronic record of the case, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. A trial judge is entitled to weigh the credibility of the witnesses in deciding the facts, and the commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: October 18, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 18, 2011.

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

AUG 22 2011

2011-211

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

RE: PR2010

I am writing concerning the conduct of one Judge Pro Tem _____ of the Scottsdale City Court. On December 3rd of last year, my wife and I appeared in court before this judge. Testimony was to be given concerning the events of one day to which I was not privy. The only testimony presented at the hearing was that of my wife, the prosecution presented no one to testify.

Problems began during the course of a "cross-examination" of the witness by the prosecution. Over a properly raised objection, the judge spent some time glaring at me before telling the prosecution to proceed with their questioning. The objection raised pertained to the same question being asked by the prosecutor for the third time. The prosecutor went on to 'grill' the witness, essentially asking the same question no less than five times. The witness never erring or wavering in her answers, all of which supported the defendant's contention that service was not made or not made properly. Despite the lack of any contradictory testimony, the judge, ignoring the facts of the case and the testimony presented, did rule against the defendant. When asked of the charges that had never been heard, the judge blurted, "I don't find the testimony given to be very credible, actually...".

Aside from the factual matters of the case which may have set jurisprudence back a century or so, personally, I can't remember the last time that I have been so outraged. Apparently, I was not the only one who was offended concerning the judges outburst, my wife turned to me, her jaw dropped as she said, "But I told the truth." AND THE GOSPEL AS FAR AS I'M CONCERNED! Since when does anyone get away with calling someone a liar, let alone a judge in a courtroom setting? It is beyond me how anyone so obviously lacking in judgment and discretion ever came to sit on a bench.

My feeling is that a witness who appears in court, uncompelled to do so by subpoena, is performing a civic duty and should be thanked for their appearance. As I would expect a modicum of respect and civility be shown anyone who appears in a court of this land. It was certainly not to be had in Scottsdale that day... in any regard. Not morally, civilly, or legally. The question that was posed to the judge is the basis of jurisprudence to this day. The ability of a man facing charges to have them brought against him in open court, to face his accuser (witnesses/evidence), and to have the matter heard and tried. Despite having asked two judges about the charge, and appearing more than once since becoming aware of the matter, that opportunity was never afforded. No opportunity to answer the charge or to be faced with any evidence of an infraction was ever granted. I was never given my rights, obligations, or options in the matter as would any citizen charged with such an infraction.

How is the public to maintain respect for the law when those who represent it show neither respect for the public nor the law? A person in such a position who acts in such a manner serves neither.