

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-238

Complainant: No. 1427310252A

Judge: No. 1423110252B

ORDER

The complainant alleged that a superior court commissioner failed to comply with statutory requirements when he issued an order allowing officers to remove her child from her custody.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 reviewing the information provided by the complainant and the response from the commissioner, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: February 23, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on February 23, 2012.

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

2011-238

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

9-19-11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Rules of Cameron

1.1 Compliance with the LAW

Violation of Declaration of Rights

#4 Due Process

No person shall be deprived of life, liberty or property without Due Process of the LAW

#11 Justice in all cases shall be administered openly and without unnecessary delay.

Reference ARS 25-1061; warrant to take physical custody of a child

(A) No verified application for the issuance of a warrant to take physical custody of a child. No proof of child is immediately likely to suffer serious physical harm or to be removed from this state.

(B) No petition to be heard within 24hrs of taking custody

(C)(1) Did not recite the facts on which a conclusion of imminent serious physical harm or removal from the jurisdiction is based.

(D) No petition or warrant served immediately after the child was taken into custody

(E)(a) Less intrusive remedy was available

2.2 Impartiality and Fairness

(A) No hearing held.

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2.6 Right to be heard

(A) No hearing held for "Pick Up" order 9-2-11 sp 20000032

2.9 Ex Parte communication

(A)(i) No exigent circumstances

(a) Removing child without a hearing

(b) No communication what so ever

2.15

(B) Opposing counsel (Tsakanikas) requested and obtained ex parte "Pick Up" order in violation requirements per 25-1061

(A)

(B)

(C)(i)

(D)

(E)