

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-196

Complainant: No. 1391510837A

Judge: No. 1391510837B

ORDER

The complainant alleged a superior court judge improperly filed unrelated communications into a juvenile case involving his son to embarrass him and prejudice his son's case.

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 reviewing the information provided by the complainant and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on November 29, 2012.

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

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

Re: Request to file judicial Ethic complaint against Judge

My name is _____ and I live in Yuma County, in April or May of 2012, I filed a staff misconduct complaint with the Yuma County detention center Director Mr. Hardy regarding his staff and the collection of a UA sample from my son. Unsatisfied with his response to my complaint I subsequently filed a complaint with Judge _____. I believe staff members at the detention center may have violated my son rights by there actions.

I contacted Judge _____ because she is in charge of the operations and management at the detention center. I relayed my concerns to the judge and she completed her investigation with out contacting the complaining party. I attempted to contact the judge and the director to request copies of the policy they used to clear the staff members involved and copies of the investigative report used to come to their decision.

I requested these items under the Arizona public information act. Neither the Judge nor the Director has responded to my request. In fact the judge has been filling my complaints and requests for information under my son's criminal case with the juvenile court and with the juvenile attorney's office. I have sent a request for the judge to stop filling my correspondents to her under my son's case. The judge filed that request under my son's case number also.

"A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct". I was told by the director at the juvenile center that the Arizona attorney's general office represents him in this matter. That was a lie, according to the AG's office they only represent the state. Judge _____ was aware of that false statement.

The Judge is filing my request for documents in an attempt to embarrass the complainant and portray me as a chronic complainer. My complaint is a separate matter from my son's pending case, the judge is unfairly influencing my sons case. A judge is suppose to be unbiased and performing there duties. Please see rules listed below.

RULE 2.3. Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

RULE 3.5. Use of Nonpublic Information

A judge shall not intentionally disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

This judge is intentionally disclosing documents that were disclosed to her as the administrator in charge of staff at the juvenile center. I went to the Judge in hopes that she could look into this mater closer regarding staff members that she is in charge of. The judge is now publicly disclosing my concerns that were given to her in confidence. The judge is doing damage to my son's case because by making these documents public that were given to her in confidence. Now other judges, other attorneys and the public have access to these documents. This Judge is responding to my complaint as if she has a personal agenda.

"Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence".

"An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system". Any help with this matter would be appreciated.

Sincerely