

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-212

Complainant: No. 1448610211A

Judge: No. 1448610211B

ORDER

The complainant alleged a superior court judge demonstrated bias by considering and ruling on ex parte evidence without giving her or her attorney an opportunity to respond.

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: January 11, 2013

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 11, 2013.

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

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

July 31, 2012

Complaint from:

Judge:

Dear Sir/ Madam

After the outcome of my status hearing on April 4, 2012 my Attorney, filed a Request for Change of Judge. It was later denied due to the following reason:

"The Petitioner waived her right by participating in a scheduled conference after notice of the parties".

My complaint is that Judge did not follow proper courtroom protocol on the date of our scheduled conference regarding evidence that was submitted by the Respondent on the morning of the hearing. My Attorney and I were not made aware of this evidence until April 18, 2012, over 2 weeks after the conference.

I realize that Judge was probably not aware of this when she made the decision to deny the Motion for Change of Judge, or her decision might have been different.

If I were aware that this evidence was submitted I would have requested my council to delay the hearing until we had sufficient time to review it and prepare accordingly, therefore I would have "not participated in the conference".

It is my understanding that proper courtroom protocol requires all information received during a conference be submitted to the court clerk and a copy furnished to the opposing Council. It is my opinion that Judge demonstrated judicial misconduct by not advising my Council of this information received just prior to the hearing.

In reviewing the information that was submitted to Judge I see that it was submitted directly by the Respondent and not through his Attorney. The information contained many slanderous, untrue claims against me that I feel tainted the courtroom on the day of the hearing. The Respondent is not a therapist or psychiatrist, yet he continually made claims in the information as well as in the courtroom that I am "bi polar, a manic depressant and a dangerous individual". These accusations by him are not true. I am a retired kindergarten teacher of 38 years and was named "teacher of the year" twice during my career for the entire Glendale CA school district. I am currently the President of the Citizens Police Academy Alumni Association here in Lake Havasu. I was honored earlier this year by the Cancer Association for my support and dedication. I am the neighborhood watch captain for my community. Earlier this year to prove to myself that was wrong I had 8 sessions with Dr. a licensed therapist.

She said I was merely suffering from depression. That was right after taking care of my sick mother for many months, her death, learning about [redacted] affair and news of him secretly diverting our rental income into his separate accounts.

Other evidence of judicial misconduct by Judge [redacted] is that he obviously demonstrates a bias attitude towards [redacted] in comparison to [redacted] even displaying arrogance towards her.

This was obvious on several occasions at the April 4th conference, along with the outcome of the conference. It was displayed once again at the Resolution Management Conference on July 18, 2012.

At this conference Judge [redacted] separately reminded both [redacted] and [redacted] of Rule 51, which requires them to file a certificate. However, he completed conversation with "I'm just reminding you for future reference" and he completed conversation with "a threat of sanctions against her if it happened again".

For the above reasons I have stated which I feel are valid, I am fearful of the outcome if my case and future should be decided by Judge [redacted]. I am hereby requesting once again a Change of Judge.

Sincerely,