State of Arizona

COMMISSION ON JUDICIAL CONDUCT

	Disposition of Complaint 15-056
Judge:	
Complainant:	

ORDER

The complainant alleged a superior court commissioner improperly ruled on a child support matter without considering his response.

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.

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

Dated: March 12, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer Executive Director

Copies of this order were mailed to the complainant and the commissioner on March 12, 2015.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2015-056

COMPLAINT AGAINST A JUDGE

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

Dear Members of the Arizona Judicial Ethics Committee,

The following facts will reveal that I, the Respondent in a was denied Due Process by the County Clerk of Court and by Judge

With a hearing date of and realizing the importance of supplying the Presiding Judge with my side of the argument, on I sent, via US mail, my Response to the Plaintiff's Motion seeking (I reside in for our AZ). My Response was correctly addressed to the County Clerk County, of Court with the requested filing fee in the form of a money order along with copies for Petitioner and Respondent along with self-addressed stamped envelopes to be mailed to each after being filed. Having recently served as Chief Clerk in the County Court, I know the high value of the importance placed by the Judge, thus enabling the Judge in question to have all the facts from both parties and a positive indication that both parents are respecting the judicial process, especially in the case of a hearing.

Having received nothing on my Response, on I called the County
Clerk of Court and asked if they had received my Response and they stated they had
which was filed stamped by the Clerk of Court. Had they hadn't
receive it, I would have hand carried my Response.

At the hearing, believing the Judge had been given and read my Response. I proceeded presenting my W2 forms for and other documentation justifying my position of a monthly award. My previous experience witnessing anyone successfully presenting in court was to stay on track and present with confidence. With Judge however it became obvious that as I was presenting, the more irate she was becoming (For The Record recording will reaffirm this assertion). Her negative reaction towards my presentation now leads me to believe my presentation in court was the first time she heard anything from me. And with the confidence in my presentation she could well have thought, if he, the Respondent, was sincere and familiar with the court's procedure he would and should have taken time to submit a response.

The Petitioner who had very little to say was requesting an amount of monthly. The Judge's award was

Baffled at the award well above even what the Petitioner was seeking, on I received a form letter (copy enclosed) from the County Clerk of Court with my Response and uncashed money order along with all copies and envelopes. On the very bottom of the form letter a handwritten note reads, Order & Income Withholding Order already signed by court on (copy enclosed)

Realizing that Judge had based her award without considering my written Response which was much more thorough and precise than my brief synopsis presented in court, I then submitted to Judge a Motion To Reconsider the Amount of (copy of motion enclosed).

I sent my returned Response package along with the Motion to Reconsider to the Honorable Judge Division County Court as directed on the form letter (copy enclosed).

On I received a telephone call from Judge who was obviously upset about me sending the Motion and my original Response directly to the Judge. After her verbal inveigh subsided, I respectfully said "Can I ask a question? To which she replied, "No". I then said, "I know you cannot give me legal advice but you can give me information". "Yes I can", was her reply. I then asked what she was going to do with the Motions. She said, "I'm going to take it to the Clerk of the Court and have it filed".

On I received my Motion to Reconsider, My original response and the uncashed money order in the self-addressed stamped envelope I had enclosed at the outset. There was a hand written note from stating "I don't know what this is for" (copy enclosed).

Had Judge had the opportunity to read my response before making her decision, she would have seen that I have and will continue to be a responsible individual who cares and want to contribute to both of our children not just the one who has continued to live with me, since the breakup occurred. Therefore, with all the facts and copies of document as evidence, I have been denied Due Process as a Respondent in this case.

I am aware that this Judicial Committee has very little authority over the Clerks of Court, however upon receiving my Motion to Reconsider (telephone call from said judge's verifies receiving said documents), Judge should have had the where-with-all to address the legally sound argument to Reconsider rather than simply ignoring the issue.

Sincerely