

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-090

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Judge:

Complainant:

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**ORDER**

An anonymous complainant alleged a superior court commissioner had a “discriminatory nature” and showed favoritism to certain attorneys.

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 review, 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: April 22, 2015

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

A copy of this order was mailed to  
the commissioner on April 22, 2015.

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

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**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2015-090**

**COMPLAINT AGAINST A JUDGE**

**Name:**

**Judge's Name:**

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

In the court , Commissioner deciding my case, without listening and did not give me chance for fair hearing.

I am alleging Mr. is has discriminatory nature. Also religion, race and color matter to him.

He did not decided the case on merit, and according judicial guideline and law, but favoritism to certain attorney. I review

the cases before him in last shows certain favoritism to few attorney and pass

the judgement with total disregards. I am certain with power granted to him by citizen of AZ, he abused for his advantage.

He is responbile for allegedly for destroying hundred of lives and Families, without any guilt and liability. I and all citizen of AZ

requesting the investigate the Commisioner and supervising Judges. You have all the records available to

you in your database, I hope this as well others including Judges in future uphold Federal and State

laws and be fair and impartial, regard of color, race, and religion , do not engage in favoritism

follow the law.

I hope you will not retaliate, directly or indirectly, against a me or any person known or suspected to have assisted or cooperated with an investigation

of public court records.

Sincerely

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

Dear Board for Judicial Conduct:

#### COMPLAINT AGAINST

My impression as well public in general, 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. and 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.

The code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court. "Personally solicit" means a direct request made by a judge or a judicial candidate for financial support or in-kind services, whether made by letter, telephone, or any other means of communication. "A judge and or commissioner shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. **Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety.** This principle applies to both the professional and personal conduct of a **Mr** **should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must applied to him.** Actual improprieties include violations of law, court rules, or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the violated this code or engaged in other conduct that reflects adversely on the honesty, impartiality, temperament, or fitness to serve as a

An appearance of impropriety does not exist merely because a judge has previously rendered a decision on a similar issue, has a general opinion about a legal matter that relates to the case before him or her, or may have personal views that are not in harmony with the views or objectives of either party. 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. **Commissioner/judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so. In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay.** A commissioner should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. **A commissioner shall not initiate, permit, or consider ex parte communications, or consider other communications made to the commissioner outside the presence of the parties or their lawyers, concerning a pending or impending matter,** A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification. A judge or commissioner who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such **misconduct**, is required to take appropriate action. Appropriate action may include, but is not limited to, communicating directly with the commissioner who may have violated this code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer(few attorneys prefer ) has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency **A judge or commissioner shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer or body, Judicial employees have a right to cooperate or communicate with the Commission on Judicial Conduct at any time, without fear of reprisal, for the purpose of discussing potential or actual judicial misconduct. The information required to be reported by Rules 3.12, 3.13, and 3.14** is a portion of the information that must be included on the annual financial disclosure statement mandated by A.R.S. § 38-542 or other applicable law. A judge/commissioner is obligated to disclose fully and accurately all information requested on the annual disclosure statement and does not fulfill the statutory obligation by reporting only the information required by Rules 3.12, 3.13, and 3.14. Applicable law requires sufficient disclosure of the financial interests of and gifts to a judge and members of his or her household to promote judicial accountability and integrity. The judge knows or learns by means of a timely motion that a party, a party's lawyer, or the law firm of a party's lawyer has within the previous four years made aggregate contributions to the judge's campaign in an amount that is greater than the amounts permitted pursuant to A.R.S. § 16-905. (Rule 2.11(A)(4))

This case represents the [redacted] had ex parte communication with attorney in office without knowledge of other party, subsequently on review of cases, violation law an transpired changing the outcome in few minutes .(citing)A judge was challenged for cause based on the [redacted] in State v. Valencia, 124 Ariz. 139, 602 P.2d 807 (1979). Defense counsel raised the issue that the judge should have disqualified himself from presiding over a resentencing hearing because he met with the victim's brother in chambers prior to the hearing. The Arizona [redacted] Court, citing former Canon 3(A)(4) of the [redacted] Code of Judicial Conduct prohibiting ex parte communications concerning a pending or impending case, mandating that a judge should avoid even the appearance of impropriety in all of his activities, set the defendant's sentence aside and remanded the case for resentencing before another judge. An additional basis for the court's decision was the violation of a statute that required aggravating circumstances to be proven under the rules of evidence in criminal trials and family law.

I hope that Judicial Board review the cases and finds the answer, for unprofessional conduct against [redacted] as well attorneys involved in abuse of power and disregards of Judicial process.

Sincerely

Affected Citizen