

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-175

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner did not perform his duties diligently as required by Rule 2.5 of the Code.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: August 31, 2018

Copies of this order were distributed to all appropriate persons on August 31, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-175

COMPLAINT AGAINST A JUDGE

Name: _____

3 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.

Please see attached pages.

Rule 2.5 of the Arizona Code of Judicial Conduct requires that judges do their duties with competence, diligence and cooperation. It is my assertion that [redacted] failed to do his duties diligently.

I had a child-support hearing in front of [redacted] on [redacted] but it felt more like I was sitting in on a boys' club meeting.

First, the other party refused to provide me with an Affidavit of Financial Information in a reasonable time before the hearing. The [redacted] literally handed me a copy a [redacted] before our hearing. This left me with no time to review the Affidavit in preparation for the hearing.

I told this to the Commissioner but he did nothing about it. Previously, he'd reset the hearing because I hadn't received an Affidavit of Financial Information. This time, he let it slide.

[redacted] said something like, " [redacted] (my paraphrase of his words). But I had evidence with me showing that the other party refused to give me the Affidavit of Financial Information. One day before the hearing, I asked the other party (via email) for a copy of his AFI. He responded with, " [redacted] "

I asked [redacted] if he wanted to see any of the evidence I brought. He said no.

Second, the other party's Affidavit of Financial Information had NO SUPPORTING DOCUMENTS that I could review for accuracy. I told this to the [redacted], and his response was that the other party was " [redacted] " (so that was enough). But that's not what the law says. The law requires documents supporting the Affidavit of Financial Information.

This was crucial, because in the first hearing (which was rescheduled), the other party claimed to have an income of \$ [redacted] but at the second hearing, he claimed it was closer to \$ [redacted]. The [redacted] did not require any proof for this dramatic drop in income.

Additionally, I was also sworn in, but somehow my word was not considered with as

much weight as the other party's, despite my having had all supporting documents for my Affidavit of Financial Information.

Instead of the burden being on the other party to prove his income, the burden was shifted to me to prove that the other party's income calculation was inaccurate—a burden I was forced to try to prove with zero evidence from the other party, save for an affidavit that was given to me just before the hearing.

And the let it slide.

Third, I had previously written, in a Motion filed that the other party had failed to file with the court a Parent Education Certificate as required by A.R.S. 25-352(A). The made no mention of this, and he allowed the other party to be heard nevertheless.

I question whether the even read any of the Motions.