

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-338

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace did not administer an oath in a protective order proceeding. The complainant further alleged his right to free speech was violated by the issuance of a protective order.

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 review, the Commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The Commission approved sending the judge an advisory letter reminding him to ensure all parties and other witnesses are placed under oath before they provide testimony in order to comply with Rules 1.1 and 1.2. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 29, 2019

FOR THE COMMISSION

/s/ Diane M. Johnsen

Hon. Diane M. Johnsen
Commission Vice-Chair

Copies of this order were distributed to all appropriate persons on March 29, 2019.

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**2018-338****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.

1) On _____ a hearing was held at the _____ which resulted in the Hon. Judge _____ issuing an INJUNCTION AGAINST HARASSMENT against Defendant, _____ as filed by the Plaintiff, _____ on _____ However, the Hon. Judge _____ never administered an Oath or Affirmation at the beginning or at any time during Mr. _____ hearing as required despite the Judge being previously reminded by the Defendant, _____ in Case _____ at the beginning of his hearing, which preceded Mr. _____ after he (and Mr. _____ overheard, _____ attorney, (seated _____ mention to her client in _____ case _____ (and husband of Plaintiff), _____ attorney (seated _____, that the Hon. Judge _____ had sworn-in no one. The Hon. Judge _____ simply stated at the beginning of Mr. _____ hearing,

The hearing began shortly thereafter, following additional explanation by the Hon. Judge _____ to how the hearing was to proceed. However, the hearing proceeded without an Oath or Affirmation provision to Defendant, _____ and the Plaintiff, _____ as required by Rule 8(E) of A Judge's Guide: Best Practices for Protective Orders and Rule 38(f) of the Arizona Rules of Protective Order Procedure. This is a direct infringement of the law and established procedures and protocol.

2) The enforcement of the INJUNCTION AGAINST HARASSMENT as issued against Mr. _____ by the _____ Court, the Hon. Judge _____ violates Mr. _____ Freedom of Speech / Freedom of the Press as defined by the First Amendment of the Constitution of the United States of America, where it is stated,

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Mr. _____ posted several comments as his opinions and _____ on his _____ and other _____ platforms (such as _____) in regard to the on-going _____ proceedings, the _____ Even though Mr. _____ posted negative comments about the _____ Judge(s), the various parties to the case, their attorney, etc., and how the _____ case is being handled overall by the Court, he made absolutely no reference to the advocacy of illegal action, fighting words, commercial speech and obscenity. Therefore, _____ is protected under the Freedom of Speech / Freedom of the Press as defined by the First Amendment of the Constitution of the United States of America because he cannot be held liable, either criminally or civilly for anything written or spoken about a person or topic, so long as it is truthful or based on an honest opinion.

3) Hon. Judge _____ violated Mr. _____ Sixth Amendment Right when he granted a MOTION TO QUASH SUBPOENA on _____ as filed by the Plaintiff, _____ by and through her counsel, _____ Mr. _____ had a Subpoena issued on _____ for a Minor, _____ to appear at Mr. _____ hearing. Mr. _____ subpoenaed _____ because he had given testimony to the Hon. Judge _____ on _____ in regard to previous contact by Mr. _____ stating he was uncomfortable with the contact. Mr. _____ is a long-time friend of mother, _____ and knows _____ quite well. Mr. _____ was not convinced of this, rather was manipulated/scared into making the statement. When the Hon. Judge _____ quashed the Subpoena, he violated Mr. _____ Sixth Amendment Right, his right to face his accusers as allowed by the Sixth Amendment, where it is stated,

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NOTE: A DVD recording of the _____ hearing, _____ was ordered from the _____ on _____ and will be provided later as supplemental evidence. In this hearing, the Hon. Judge _____ administered an Oath/Affirmation to the Plaintiff, _____ and the Defendant, _____ at the beginning of the hearing BEFORE any testimony was given by either party. I was administered an Oath/Affirmation during this hearing as well by the Hon. Judge _____ as I was called as a witness for Ms. _____ This recording will clearly show that the Hon. Judge _____ followed proper protocol as required by Rule 8(E) of A Judge's Guide: Best Practices for Protective Orders and Rule 38(f) of the Arizona Rules of Protective Order Procedure, whereas, Hon. Judge _____ did not in my hearing or the hearing preceding mine for Defendant,