

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-345

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Complainant: No. 1381210203A

Judge: No. 1381210203B

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**ORDER**

The complainant alleged the judge was rude, biased, and made improper rulings that impeded her ability to appeal. She further alleged the judge violated her First Amendment rights. After reviewing the allegations, the judge's response, and the recording of the hearing, the commission found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 21, 2010.

FOR THE COMMISSION

\s\ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2010.

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

Respondent in the case, (Mother), was yelled at and verbally abuse by Judge in court and there are many other documented irregularities as well. Mother claims that this case supersedes the impartiality of the judiciary and the animosity that Judge has against Mother is too great to ever be repaired and therefore Mother is unable to get a fair judgment from Judge

Judge seemingly retaliatory orders have resulted in a complete separation of Mother from her children for close to one year now and Judge has even specifically barred Mother from having any contact with her children during the holidays. She has appointed herself to life for Mother's case and has forbidden Mother from filing any legal papers in Superior Court without first obtaining Judge pre-approval and permission. She has denied Mother's Affidavit in Lieu of Bond trying to prevent Mother from appealing this case. Even so, Mother has been forced to appeal Judge rulings five (5) times already. From a practical standpoint, allowing this case to continue with Judge is a waist of time and money to the court.

Mother has a friendship with Mr. his mother, two of his sisters, and many other members of Mr. family. In 2007 to 2008, Mr. had a case before Judge Maricopa County Superior Court, case number FC Mr. case was separate and independent from Mother and Father's case and made no mention of either. Mr. was not happy with Judge behavior or her ethical conduct. He filed an official complaint against Judge requested a change of judge, and appealed the case.

On 7 October 2008, Father, in this case, requested an order be issued for Mr. not to drive the children, Judge agree, considering her prior knowledge of Mr. medical records and the medication he was taking at that time all of which was made available to her during the trial of When considering Father's request for the restriction against Mr. Judge was relaying on prior knowledge of marital problems between Mr. and Ms. a case in which she was judge. Not only is this cause for her to have dismissed herself from this case, Judge did not follow the law regarding *ex-parte* proceedings.

Since October 2008, in almost every ruling for this case, Judge has included rulings against Mr. Not once has Mr. been notified of an impending hearing. Not once has he been notified of the allegations against him. Not once has he been allowed to speak or present evidence on his own behalf. Not once has he been notified that legal judgment was ordered against him, as required by law for the judge to do as soon as possible. Until October 2008, Mr. had nothing to do with this case. In fact, Mr. is only involved at present in this case because Father keeps asking Judge to issue orders against him and she complies.

***RULE 1.2. Promoting Confidence in the Judiciary***

*A judge 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.*

***Comment***

*1. 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 judge.*

*5. 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 judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. 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 judge's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.*

***RULE 2.2. Impartiality and Fairness***

*A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.*

***Comment***

*1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.*

*2. Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without*

regard to whether the judge approves or disapproves of the law in question.

3. 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.

**RULE 2.11. Disqualification**

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

**Comment**

1. Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply.

5. 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.

Judge never disclosed or made a statement for the record any possible reason for disqualification, as required. Mother filed a Change of Judge for Cause Motion stating all the allege misconduct in the case because, not only did Judge have prior knowledge and access to public and private records in Mr. case, she was also his judge. The rules are very clear. "A judge is disqualified whenever the judge's impartiality might reasonably be questioned." If the judge does not remove him or herself, then surely the judiciary should remove that judge. Additionally, Mother has also been compelled to file a case against Judge in Federal court for repeated Civil Rights violations, case number CIV GMS.