

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-191

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Complainant: No. 1397210860A

Judge: No. 1397210860B

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**ORDER**

The complainant alleged, in part, that a superior court commissioner stopped a hearing and moved the parties to her chambers where the remainder of the proceeding was unrecorded. After reviewing the allegations and listening to the audio recording of the court proceeding, the commission decided to issue a private warning to the commissioner. By taking certain actions, the commissioner gave the impression the court was biased. Rules 1 and 2 of the Code of Judicial Conduct require judges to promote public confidence, perform judicial duties impartially, and avoid even the appearance of impropriety.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 20, 2009.

FOR THE COMMISSION,

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J. William Brammer, Jr.  
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2009.

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

On the afternoon of May 25, 2010, I appeared as the plaintiff in an Order of Protection court hearing in Commissioner \_\_\_\_\_ court. The hearing was requested by the defendant, Neil J. Zucconi, who appeared with his counsel, Terry Bays Smith.

I appeared at the hearing with Betsy Jo Fairbrother, an Advocate from the Chandler Police Department's Victim Services Program. My Advocate had spent many hours preparing me for the hearing, and I had a thorough testimony as well as several pieces of compelling evidence that included a copy of a fearful 911 call I had made to the police, copies of text messages that I had received from the defendant, and photos that all pointed to my current state of fear and the horrific abuse that I had experienced over ten months of marriage to Neil Zucconi.

I would like to file a complaint against Commissioner \_\_\_\_\_ for the following reasons:

- 1) The Commissioner did not allow me to provide my testimony regarding the domestic violence that was clearly stated in my Order of Protection Petition. I do not feel she could possibly have made a fair and judicious opinion without knowing what had happened to me and the reasons behind the Order of Protection in the first place, and I do not understand why she failed to allow my testimony on incidences that had been mentioned in my Petition.
- 2) The Commissioner stopped the Order of Protection hearing immediately after my testimony and pulled me, my abuser, and his attorney into her chambers for a private meeting so that we would not be recorded. I was not allowed to have my Advocate with me during this "secret" meeting.
- 3) The Commissioner displayed a lack of knowledge of Order of Protection hearings during the "secret" meeting in her chambers by being more concerned with my abuser's (the defendant's) job security than with my (the petitioner's) safety.
- 4) The Commissioner failed to make a decision and instead granted the defendant a continuance.

My Order of Protection Petition clearly stated the following: "Throughout the entire 10 months of our marriage..., Neil has been extremely verbally abusive, using threatening and demeaning language..." However \_\_\_\_\_ did not allow me to provide any testimony regarding the abuse that happened during the 10 months of our marriage even though it was clearly referred to in the Petition. She only allowed me to provide testimony and evidence surrounding a single event that happened on February 5, 2010.

Immediately after I provided my 15-minute testimony and evidence, \_\_\_\_\_ abruptly stopped the hearing and requested that I (the petitioner), the defendant and the defendant's



hearing to once again face my abuser in court. This was an excruciatingly painful experience mentally and emotionally, and I feel that it was all due to the Commissioner's blatant lack of experience and knowledge of Family Law and, more specifically, of Order of Protection cases.

I have consulted with the Executive Director of the Arizona Coalition Against Domestic Violence, and was advised to file this complaint. No one that I have spoken with at the police department, at local women's advocacy groups, or in the legislature has heard of a situation like this happening to a woman who is simply attempting to keep herself and her children safe from a threatening abuser by filing an Order of Protection. I would strongly suggest that

receive training in Family Law before she proceeds to preside over Order of Protection hearings. There is no telling how many plaintiffs are being negatively impacted by her inexperience and lack of knowledge.

Fortunately, in my case, I was able to settle with the defendant to terms within a court order attached as an addendum to our divorce decree that provides me with even greater and longer lasting "no contact" protection than my Order of Protection had offered me and my children. However, it took a lot of time, resources and money that a lot of people do not have the ability to access. And it should not have been necessary, if \_\_\_\_\_ had simply done her job properly.

I went to court to obtain protection for myself and for my children from a threatening abuser; protection from the kind of man who would enter my home without permission, frighten me and refuse to leave until I had the police come to remove him. What should have been a simple Order of Protection case became complex, convoluted, costly and incredibly stressful. The court let my family down.

As a result of my experience with this Order of Protection case, I plan to serve on a committee with the Arizona Coalition Against Domestic Violence and will advocate for policy changes to help protect women from having to deal with the kind of nightmare that I went through. Hopefully one day domestic violence will no longer exist. In the meantime, I will definitely speak out about what happened to me in \_\_\_\_\_ courtroom and in her chambers, and I sincerely hope that it will not happen again to another victim of domestic violence.