

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-061

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Complainant: No. 1414410667A

Judge: No. 1414410667B

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**ORDER**

The complainant alleged that a superior court judge was rude, appeared unprepared for his hearing, and issued an incorrect ruling. After reviewing the allegations and listening to the recording of the hearing, the commission found no evidence of ethical misconduct on the part of the judge. The complainant's primary concern is the judge's legal rulings, which are outside the jurisdiction of the commission. The recordings contradicted the claim that the judge was rude. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 1, 2011.

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 June 1, 2011.

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

Attachment to Judicial Complaint against the Honorable

On September 7, 2010, I filed a Petition to Modify a Support Order re: Spousal Maintenance-see attached copy. That Petition did not involve any Child Support issues since that obligation, including any arrearages was fully satisfied-see attached copy. The minor child, was emancipated on that date and by The Honorable and all the child support obligations were fully satisfied on that date. This issue was moot when this petition was filed.

On January 4, 2011, The Honorable conducted the evidentiary hearing. It began approximately 15 minutes late, at 11:14 a.m. From the outset, it was clear that Judge was unprepared and had not read the file-see attached dvd. Specifically, he was of the opinion that child support was the issue. If he had only familiarized himself with the file, he would have known that that was not the case.

By Minute Entry dated January 4, 2011, Judge ordered as follows:

IT IS FURTHER ORDERED Husband shall pay to Wife the sum of \$925 per month towards the child support arrearage, payable through the Support Payment Clearinghouse by wage Assignment, commencing February 1, 2011. It is the Husbands responsibility to request that the monthly arrearage payment be stopped once the arrearage has been paid in full.

This order is in violation of the law. As a member of the public, I can understand his rudeness and discourteous behavior. But it is not appropriate that he entered an order against the law.

His order of January 4, 2011 also stated:

This ruling does not address Husband's allegation of reduced income, nor does it excuse Husband's non-payment of spousal maintenance in the past. This ruling should not be used to construe or infer that Husband has ever been unable to pay spousal maintenance. To the contrary, repeated court findings by previous judicial officers have found Husband unwilling but able to pay spousal maintenance.

A review of the entire file, indicates this is untrue!

He should be reprimanded for his failure to administer justice as required by law and his oath.