

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-292

Complainant: No. 0308110211A

Judge: No. 0308110211B

ORDER

A superior court judge voluntarily reported that he issued an unenforceable 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 decided to dismiss this matter with a private warning to the judge. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: December 20, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2011.

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



SUPERIOR COURT OF ARIZONA

COUNTY OF

Administrative Office of the Courts
 Commission on Judicial Conduct
 Attention: George A. Reimer, Executive Director
 1501 West Washington Street, Suite 229
 Phoenix, AZ 85007

Re: Self Reporting Re: Issuance of Unenforceable Orders in
 Two (2) Companion Order of Protection Cases

Dear Mr. Reimer:

As a follow up to our telephone conversation,
 this communication constitutes my self reporting for issuing
 unenforceable orders.

On , I issued an Order of Protection in
 County Superior Court Case No. DO-2011- Said order of
 protection ordered that Plaintiff was to have
 exclusive use and possession of the parties'
 residence and Defendant was further ordered not
 to go to said residence. Attached is a copy of said order (2
 pages).

On issued an Order of Protection in case #J-804-
 Said order of protection ordered that Plaintiff
 was to have exclusive use and possession of the parties'
 residence and Defendant was
 further orderd not to go to said residence. Attached is a copy
 of said order (2 pages). Said case was then transferred to the

Superior Court and assigned case number DO-2011-

After discovering the conflict between the two orders of protection, and after receiving separate requests for a hearing from each of the Defendants, on _____, the Superior Court conducted an evidentiary hearing, and it modified the order of protection in DO-2011-_____ and affirmed the order in DO-2011-_____ so that Plaintiff _____ still had the exclusive use and possession of the residence as a protected address. See attached copies (2 pages each).

For your consideration also enclosed are the minutes of the _____ hearing in cases _____ and the FTR recording of the _____ hearing.

During the hearing, the Court, in conjunction with each party's participation, issued orders regarding the removal of Mrs. _____ property, Mr. _____ cooperating in the sale of the residence, and Mr. _____ acting in good faith and keeping the residence in good condition. At that time, the Court was aware that the orders were not enforceable as part of an order of protection.

On _____, Attorney _____, on behalf of Mrs. _____ in _____ County Superior Court Cause No. CV-2011-_____, filed an Emergency Motion for Temporary Restraining Order Without Notice, an Application for Temporary Restraining Order and Application for Temporary Injunction and an Ex Parte Complaint for Order to Show Cause Re: Freeze Sale Proceeds and Return of Plaintiff's Personal Property. Attached are copies of each pleading. The exhibits in support of the ex parte complaint are not relevant; and, therefore, they are not attached.

In the application, Attorney _____ alludes to Mr. _____ conduct as contemptuous, and in the ex parte complaint at paragraph 15, the Court's orders entered at the _____ order of protection hearing are set forth; however, neither pleading requests that Mr. _____ be found in contempt of the Court's orders.

On _____, in cause #CV-2011-_____ the Court issued its orders and stated that the orders relating to the property and the residence were not enforceable and that the Court improperly entered said unenforceable orders. Attached is a

copy of said order.

On _____, the undersigned verbally notified the Commission of its intent to self report.

Enclosures