

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-039

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Complainant: No. 1278910211A

Judge: No. 1278910211B

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**ORDER**

The complainant alleged that a superior court judge demonstrated bias by improperly coaching and giving deference to the opposing party.

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 reviewing the information provided by the complainant and the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 19, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on April 19, 2012.

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

**CONFIDENTIAL**

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2012-039

**COMPLAINT AGAINST A JUDGE**

Your name:

Judge's name:

Date: 11/22/11

Case name and number: **DO-2011-**

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

*(Attach additional sheets as needed)*

**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 *Judge was extremely partial in favoring Plaintiff to the point of acting as if prosecutor toward defendant respondent. The Judge coached the plaintiff on what questions to answer, what not to answer; lead the plaintiff on how to ask questions, what questions to ask and how to answer questions, and guided the plaintiff to stop completely answering questions posed by defendant/respondent.*

**RULE 2.3. Bias, Prejudice, and Harassment**

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice 1. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute threatening, intimidating, or hostile acts; Facial expressions and body language may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. *The judge was biased and antagonistic toward defendant/respondent. Judge repeatedly ignored plaintiff's inability to recall answers to important factual questions. Over half the plaintiff's responses, to the few questions the judge allowed the defendant/respondent to ask, were; "I don't know, can't remember, don't recall, what did I say, write down? Etc.*

*Judge allowed the plaintiff to ask questions out of his designated time frame parameters yet severely restricted defendant/respondent to stay in those parameters when asking questions and forced defendant/respondent to answer questions by plaintiff that were way beyond the parameters stated by the judge. When defendant/respondent was testifying the judge expressed very juvenile, condescending facial expressions by yawning, rolling his eyes and head in expression of boredom and contempt.*

2/4/12  
Date

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Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**2012-039**

**COMPLAINT AGAINST A JUDGE**

Your name:

Judge's name:

Date: 11/22/11

Case name and number: **DO-2011-**

***The conduct of the Judge outlined above is in direct violation of the other following rules:***

**RULE 2.5.** Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly. 3.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.

**RULE 2.6.** Ensuring the Right to Be Heard 1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

2. The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law.

3. Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality.

**RULE 2.8.** Decorum, Demeanor, and Communication with Jurors

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals...

1. The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

\*The court has the plaintiff's address on record and can get the address from plaintiff. Since the plaintiff's basis for the Order of Protection is unfounded, full of lies and inaccuracies; it is very unlikely the plaintiff and her friends will be truthful regarding this complaint. If they are, it will be a very emphatic indication of how grossly partial the judge was.

*2/4/12* *2/4/12*  
Date