

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-348

Complainant: No. 1458110439A

Judge: No. 1458110439B

ORDER

The complainant alleged a justice of the peace improperly required her to appear in court with her son and then held her in contempt for failing to comply with a subpoena to appear as a witness in a domestic violence case.

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 electronic record of proceedings in the case, 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: January 25, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 25, 2013.

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

To Whom It May Concern:

On Dec 13, 2012, I had contacted the courts because I was informed that the Judge [redacted] had issued a warrant out for my arrest. I contacted the courts and they called me back at 4:47 and stated that I needed to appear and bring my son who is 15. On Dec. 14, 2012, my son and I appeared at court to 1st be told they don't see a warrant for my arrest and I explained what I was told and finally a clerk took us outside Judge [redacted]'s court room. The Judges assisted then came out and told us to come in and have a seat and informed my 15 year old to take his hood off his head. Of course the court room was filled with people and two men in orange and handcuffs. For one, I believe it was very unprofessional to have me bring my 15 year old in a court room full of people. He felt very uncomfortable and wanted to leave and the only reason he even went was because I explained to him that the judge put a warrant out for my arrest for not appearing to court and if I have a criminal record I could lose my job. Around 2:30 Judge [redacted] called only me to the front to ask me why I didn't appear on Dec 13, 2012 and I stated I was not summons to appear, I only received a letter stating if I was going to appear then call the prosecutor....again the prosecutor informed the judge it was only a letter...then Judge [redacted] asked why I didn't appear for court on Nov 26, 2012....I explained to him that I had just returned to work due to having surgery and was head of our EMR conversion and could not take off work...he rudely says Mrs. [redacted] I am going to ask you again and I stated I could not take time off, that's my job that supports but he rudely interrupted me again and stated I find you in contempt for not appearing on Nov 26, 2012...My concern is if he was going to find me in contempt then why didn't he on Nov 26, 2012 but decided to do it because he didn't like my answer or why did I need to bring my 15 year old down there to sit in a courtroom full of people and listen to everyone else's case before getting to me. What was the purpose? Who is he to decide if my answer was right or wrong...I was being honest and yet he didn't even give me the time of day as my son sits there and watches in a room full of people. If he would have let me explain more in detailed maybe then he could have understood. I just returned back to work after being out for 30 days due to last minute surgery, I am a single mother of 4 great boys and strive hard to succeed and give my kids a good life. As you know with this economy it's hard to find a job, I take my job very serious and keep my personal life at home and work at work and strive hard to move up in the company. All the employees where already told during this conversion we were unable to take time off and yes I know that if I took my court papers to HR I could of got off but I am trying to move up in my job description and feel nobody needs to know my personal life and since I am going up for promotion I didn't want them to think I couldn't handle it due to my personal issues. My son or I couldn't have said anything against [redacted]....for one it happened a long time ago, I called to have someone removed outside my home who was yelling...I couldn't even tell you what he was yelling. There was no physical harm and I don't dwell on the past I move forward so I can keep succeeding. I also explained to the judge if I had a warrant I could lose my job and instead he tells me to appear on Dec 26, 2012, really right after the holiday knowing that no offices let you off right after a holiday plus my boss is out and I already informed her I would cover so she could take the time off. Now because I have applied for Practice Manager am not going to inform my work of my court hearing because I don't want to get fired or I don't want it to look like I can't do my job so

therefore I will call out of work to attend what the judge called sentencing and not get paid for 3 days of work when right now I live from paycheck to paycheck to barely get by. The one thing that really gets me is that I am not a trouble person....I take good care of my children and am very responsible and do a lot of volunteer work and called to have someone yelling removed and I get punished for having respect for my job that supports my family and trying to succeed while Judge speaks out to someone in orange with handcuff, I will give you a second chance. Where is this society going.....having me bring a 15 year old in a court room or someone that works hard and is not in trouble with the law gets punished because the judge didn't like her answer? I know one thing is if I am ever in trouble I will NOT call for help again and we wonder why all these sad tragedies are happening around the world because our justice system is so backwards.....punish the good people while you let the one in orange go free.....I am sure this complaint will not go anywhere but at least someone will hear me, this is a perfect example when the judges take the law into there own hands and now it's time for us innocent people to be heard....I could understand if I was in trouble, didn't have a job, drunk or druggy and didn't appear but yet I am a hard working mom that one judge can cost me to lose everything....How is that fair!